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STUDIES OF CRIMINAL RESPONSIBILITY AND LIMITED RESPONSIBILITY

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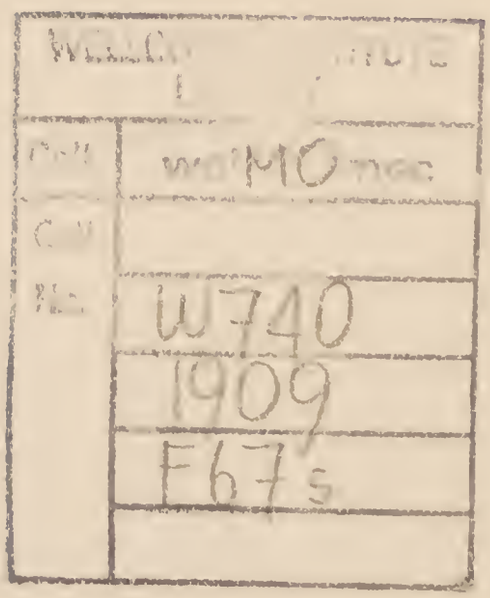
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PART OF THE

PREFACE

THE following Studies of Criminal Responsibility and Limited Responsibility are based upon six cases to which Dr. Folsom had given much time and thought. They were found among his papers after his death in August, 1907. They were grouped together and had been more or less carefully revised, evidently for the purpose of publication at some time. Indeed he had expressed such an intention in a general way to his wife and to one or two intimate friends. Some of the studies have been previously published in medical periodicals. Some of them doubtless would have undergone still more careful revision at Dr. Folsom's hands had he lived. They are privately printed now for circulation among professional and other friends.

These studies testify to his earnestness and zeal in elucidating questions which interested him through many years, and his steadfast attitude towards some problems nearly affecting the welfare of society.

There is no reason to suppose that recent events would have caused him to modify his opinion as to "the condition misnamed moral insanity."

...RARY OF THE

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LIMITED RESPONSIBILITY

A DISCUSSION OF THE POMEROY CASE

In speaking of the duty of the expert who is called upon to testify as to the insanity of any individual who has committed a crime, Conolly says, "His business is to declare the truth; society must deal with the truth as it pleases." Westphal, Meynert, and Maudsley have reiterated this opinion, and, keeping it in mind, I purpose discussing briefly the case of Jesse Pomeroy, convicted of murder by a Massachusetts jury, and sentenced to be hanged.

Either the boy is insane or he is not; and he cannot be said to have something of this disease and something of that, and some of the symptoms of still a third; but his malady, if such it be, must be one of the well-recognized forms of mental disease; that is, just as in any other diseased condition, the first step is to make an exact diagnosis. Of these manifold forms of disease, there are only five which, as far as

Read before the Health Department of the Social Science Association and the Suffolk District Medical Society, Boston, Dec. 16 and 18, 1875. — *Boston Med. and Surg. Journal*, 1875, xciii, 753–761.

I know, have been considered as the morbid processes under which Pomeroy was acting when he committed murder, and these are: —

(1) Delusional insanity. (2) Insanity from masturbation. (3) Epileptiform insanity. (4) Moral insanity. (5) Moral imbecility.

The first is the commonest form of disease under which crimes are committed. In well-marked cases the diagnosis is so easy that any one may make it, while in mild cases it is often so difficult as to baffle the most expert alienist for weeks, inasmuch as a shrewd and intelligent man may effectually conceal his delusions for a long time. Such people are generally able to control themselves to a considerable degree, and often when the disease is quite pronounced; that is, under ordinary circumstances, with ordinary inducements, they can resist ordinary impulses. A cigar after dinner, or a glass of wine, may be sufficient to restrain one of them from smashing his windows or throwing chairs at his physician's head; but suppose that a strong inducement of crime comes when he has an excellent oportunity of getting what he considers a great advantage to himself at only the cost of killing another man, his self-control is a mere nothing. Sometimes these patients recognize and acknowledge the fact that murder is wrong for them and for all people; sometimes, and that more com-

monly, they think that it is wrong in the abstract, but that there are special circumstances which make it right for them.

I can call to mind a number of such men, who used to say that they were insane, and not responsible before the law, and that they should therefore commit such and such acts of violence, which they would proceed at once to do. Three of these patients — a physician, a naval officer, and a merchant — I have reason to remember quite well; and a gentleman formerly in the McLean Asylum, using this argument, once made a deadly assault on the late Dr. Bell, who fortunately escaped with only a scalp wound.

Again, the moral sense is often so keen, and the intellect so clear, with many of them that they will take great precautions so as not to allow their delusions to get the upper hand of them. A gentleman far advanced in convalescence once, while eating his dinner, threw his knife and fork violently through the window, and then calmly turned around to my friend standing at his side, and said, "I wanted to kill you, and I should have done it if I hadn't thrown them out of the window."

It is especially with reference to this class of the insane that the remark has been made that people do not cease to be men and women in becoming insane. There can be no doubt, and it is quite well

acknowledged, that patients with delusional insanity do sometimes commit acts of violence from the same motives which actuate ordinary criminals, and with sufficient power of self-control to have restrained them. I know, however, of only one case where experts have held this opinion in court. Nevertheless, it is almost without exception beyond the power of human insight to say in what cases they act in virtue of their insanity and in what they do not; and therefore, once granted that any insane individual has definite delusions, I think that there must be very few physicians who have seen much of the disease, who would under any circumstances hold him fully responsible for a crime which he may have committed.

The idea that Pomeroy may be suffering from delusional insanity has now been quite generally abandoned. No delusions have been found, and a person of his limited intelligence could not have concealed them had they existed.

The case of Blampied was one of this kind. He was discharged, as recovered, from an insane asylum upon the certificates of four experts, of whom three were officers of the asylum, and the fourth was in practice in the town where Blampied lived.

At his trial for a murder which he committed some years after leaving the asylum, and apparently from ordinary motives, no expert testimony was called.

The superintendent whose patient Blampied had formerly been gave his written opinion as to his recovery, complaining of that very fact, that no expert opinion had been asked during the trial, and stating that Blampied should be hanged, not as an insane though responsible man, but as a sane and responsible one; and so far he seems to me to be right.

To make his position stronger, he also said that even in the asylum Blampied never belonged to that class of the insane who lose their self-control to a great degree, which was perfectly true. His opinion also was that if Blampied had committed a murder while there, he would have been properly held fully responsible. In that I cannot agree with him. My only object in citing the case originally was to show that there are alienists who think that the doctrine of non-responsibility has been pushed too far.

Not very long ago, Mr. J., an insane Scotch clergyman, attempted to commit rape upon a young maid, and afterward on a young lady. Two of the first authorities in Scotland testified in court that the gentleman was suffering from a well-marked mental disease, that he knew that the acts which he had attempted were wrong, that he had sufficient self-control to have restrained him from so doing, and that there was no reason why the law should hold him to a limited degree of responsibility in these cases.

On May 21, 1873, Mr. Lutwidge, while visiting one of the asylums of England, in discharge of his duty as one of the commissioners in lunacy, was struck on the right temple by a patient, with a nail. He died from the effects of the injury a week later. I quote the following passage from the official report[1] published a year after Mr. Lutwidge's death. In speaking of the patient, the commission, composed of three physicians and three lawyers, say, "He was well known to those members of our board who from time to time during that period had visited the asylum where he was confined. . . . Those of our number who, as just mentioned, knew the man, describe him as being a person of a weak, imperfectly developed intellect, but they agree in considering that he was quite responsible for his actions."

Last September, a patient in one of the large asylums of England killed an attendant against whom he had long had a grudge. He stabbed him in the back with a table knife. The superientendent of the asylum and several other alienists have maintained his responsibility for the act. They say that the insane hear of such cases as the unfortunate one of Mr. Lutwidge, and become emboldened to commit crimes which they would not think of, provided they did not know

[1] Twenty-Eighth Report of the Commissioners in Lunacy for England, page 2.

that the law would hold them irresponsible. This opininon, of course, is open to criticism.

As to the second head, masturbation is common in the insane, and is one of the many symptoms of loss of self-control and self-respect. As a *cause* of insanity it is rare, so rare that many doubt its existence. The prognosis is generally about as unfavorable as it well can be, and the disease is progressive, that is to say, dullness, moroseness, ill-temper, and suspicion are followed very rapidly by loss of memory, considerable diminution of the intellect, and some loss of flesh, not infrequently emaciation. Such patients complain of headache, a symptom to which I do not generally attach much importance, as I find it so common, especially in boys who attend school in badly ventilated buildings. The characteristic symptoms of this disease are certainly not found in Pomeroy.

In these cases, too, there is often difficulty in ascertaining the fact. Often the patient will use his thighs, if his hands are tied. I should doubt the existence of this form of disease in all cases where there was any possibility of the existence of a doubt as to the habit. When it is actually persisted in to such a degree as to cause insanity, the victim has lost self-respect and self-control in too great a degree to render concealment possible. We all know how common this vice is

in prisons, in reform schools, in industrial schools, etc. We seldom see insanity come from it.

As to the third form, Maudsley states that in epileptiform insanity the sufferer is just as unable to control himself as is the man who tumbles to the floor in tonic and clonic convulsions, and justly says that it would be as fair to punish the one as the other. Pomeroy, however, has been perfectly able to control himself while under observation at the reform school and at the jail. Yes, more, the presence of a third person has always been sufficient to restrain him from committing crimes or acts of cruelty.

I do not think, either, that the amount of deliberation and calculation shown by him is compatible with the diagnosis of epileptiform insanity, although it would not invalidate the diagnosis of other forms of mental disease; and I should say that, in this case, the absence of forgetfulness is a symptom which is of considerable importance. Finally, epilepsy in all its forms, in the immense majority of cases, especially where there is no medical treatment, is progressive. If anything, the contrary is true with Pomeroy.

Fourthly, the discussion of moral insanity is comparatively simple. Pomeroy does not deny that he knows that the acts committed by him were wrong; and I do not suppose that any one will maintain that he lost his knowledge of right and wrong just when

he committed the murders, and at no other times. This question resolves itself, then, into the inquiry whether he was acting from a temporary impulse against which he was powerless to contend. This is a well-recognized morbid condition, both as a disease and as a stage of disease, and that too while the intellect remains perfectly clear. It has been described again and again from Pinel's day down. The Germans says that the patient acts from a *Trieb*, that is, from something which drives him on, in spite of himself. People who know that it is wrong to lie, and who are most conscientious and upright when well, will fabricate the basest falsehoods; others will steal, and others will commit acts of violence. These impulses are by no means as uncommon as most people would suppose. Fortunately for society, the three conditions necessary for the commission of crime under them — the impulse, the opportunity, and the lack of self-control — do not very often coincide in point of time. A milder form of this morbid condition, the homicidal idea, or the idea of doing wrong generally, is very far from being uncommon.

Alienists, especially those with what Herbert Spencer calls the theological bias, have denied the existence of moral insanity; but all must acknowledge that the brain is necessary for all intellectual and emotional manifestations, and it is only a step further to

the position that a variety of organs are necessary for a variety of manifestations. Given these various organs, of course any one of them may be diseased, while the others remain sound. It is tolerably certain that different ganglionic cells in the spinal cord have different functions; and many clinical observations, especially the symptom aphasia, make the same fact more than probable with regard to the brain. At all events, the authority of Pinel, Marc, Ray, Maudsley, Tuke, Bucknill, Morel, Esquirol, and many others is conclusive on this point.

I saw not long ago a man with this disease. He had killed his superior officer. In prison (he was too powerful to be in an asylum), he had stabbed one fellow-prisoner, had bitten off the lip of another, and had tried to kill his physician by throwing a heavy stool at his head, and at all these times the odds were entirely against him, as there were plenty of officers about. I think that this form of disease must be excluded in Pomeroy's case for the following reasons: —

(1) There was too much premeditation in the acts committed by him.

(2) The boy could exercise self-control while under observation.

(3) There was a motive in his acts, in his love of torturing, for I do not think that he ever meant to

murder; and experience had taught him that up to that time, at least, he could enjoy his horrible sport without undergoing anything that was really punishment to him.

Cases of moral insanity get into asylums for the insane, but neither confinement there nor punishment (which latter has usually been first tried at home) ordinarily does any good. If the patient cannot steal anything he likes, he will steal at least *something;* if he cannot attack a boy, he will make an attack upon an attendant.

Fifthly, I have for the sake of definiteness considered moral insanity and moral imbecility separately, although they are commonly confounded. Dr. Ray discriminates carefully between the two. I suppose the latter of the two terms in a certain sense covers the meaning of the gentlemen who think that Pomeroy is weak-minded.

Moral imbecility may affect the intellect also, and exist in every degree up to complete idiocy, the only form of insanity that is at all common before puberty. In fact, as Maudsley says, even mania so early in life may be generally described rather as excited idiocy.

Every child (to take an extreme case) recognizes the mimetic creature of a spinal cord and cerebellum who kills a baby because he has just seen a butcher kill a calf, and without being able to see any differ-

ence between the degrees of criminality of the two acts.

Jesse Pomeroy, unlike an idiot or an imbecile, seems to me a boy who has had his wits sharpened by contact with the many people who have examined him, and who has shown a considerable degree of skill in his attempts to make his case a plausible one for executive clemency.

Dr. Ray describes the moral imbecile as torturing children from the same motive which makes a cat torture a mouse before killing it. He does not know that his acts are wrong, and he does not forget them. Like the cat, to continue the comparison, he makes no attempt at concealment and feels no remorse. Cat-like, too, he will sometimes direct attention to what he has done.

Granting, however, for the sake of argument, that Pomeroy is not responsible, the position does not seem to me at all tenable that his confessions and retractions and contradictions merely embody the uncertain and incoherent ideas of an insane person. If such were the case, they would be indications of so great disorder of the intellect that the insanity would not fail to be easily apparent; for these symptoms, like cough and night sweats and emaciation, are evidences of well-marked disease.

At best, I do not see how the boy can be called

anything more than weak-minded. This term I should use as being in a measure synonymous with moral imbecility, differing from it in degree only. I should not, however, consider it as an initial stage of that disease, nor should I hold that it indicates sufficient deviation from the normal type to place the sufferer from it outside of the pale of ordinary criminals. Of course, he is weak-minded; every criminal is weak-minded, every man is weak-minded who deliberately places himself in opposition to any well-organized society. Any one else must know that in the long run it does not pay. The question for us to decide is whether Pomeroy is any more weak-minded than the whole criminal class.

No one can doubt that disease and crime are closely allied. The criminals with insane and consumptive parents, and the many who themselves become insane or consumptive, must alone convince us of the fact. In the cells of the penitentiary, one will see the imperfectly developed ear, first pointed out by Darwin as a mark of inferior organization, as often as he will in Westphal's wards in the Charité.

Dr. Manning in his Report on Lunacy (page 221) says: "At Millbank and Perth prisons, special wards are set apart for epileptic and weak-minded criminals. The former require some extra watching; and the prison routine, especially where isolation is practiced,

is thought to conduce to absolute insanity in the latter. Both classes are, therefore, kept apart from the ordinary prisoners, in large, well-ventilated wards; work, eat, and drink in common, and sleep either in cells or dormitories, as seems most fit. The number of these cases at Millbank (1868) is nearly two hundred," that is, nearly one-sixth of the whole.

Last September, in the famous Millbank prison there were suicidal convicts who required watching day and night, and three more were so desperately bent on self-destruction that they were kept in padded rooms. It must be borne in mind in this connection that there is in England, as there is also in Scotland, a special asylum for the criminal insane.

Weak-minded people abound everywhere. As boys, they run away from home or from school, and do a host of things that vex the saint and puzzle the psychologist. As men, they perhaps have abundant energy but lack steadfastness and definiteness of purpose, or they fail to carry out plans well laid, for want of perseverance and ability to make the necessary continuous effort. Society says that they have been failures, but they are just the people who, if they fail to get the healthy influences of sound education, form our criminal class.

In boyhood, punishment sometimes cures them; in youth, if they are sent to insane asylums, that often

cures them because it is simply a punishment, and they regard it as such. Their friends also tell them plainly that they can have their liberty as long as they behave well, but no longer. We may not expect the club-footed boy to run, but he can stand or walk, and may strike out from his shoulder a blow that will knock you down.

I suppose that it is under this head that Pomeroy's attempt to escape from the prison is described as one not showing much judgment, and as being one such as is often seen in insane asylums. It is worth while to stop a moment and consider this statement; Pomeroy's plans were as well laid and as judiciously carried out as the average of such attempts in the State Prison at Charlestown, the immense majority of which have ended in just as signal failure.

Lately, three men have tried to escape from the prison where Pomeroy would be confined if sentenced for life, and in the face of what are ordinarily called impossibilities. One broke his thigh after jumping twenty-six feet from a roof of one of the work-shops to the prison wall, and was captured after rolling over and over some rods away; the second was taken after a short run; the third escaped entirely.

A gentleman of Boston, not a physician, but a sound psychologist, saw Pomeroy in his cell. Upon being asked whether he should commit murder if allowed

to go out, the boy said, in a swaggering way, "Oh, I don't know; I couldn't say whether I would or not." In reply to a question concerning what he was in the habit of reading, he said, in the same manner, "Oh, I like the blood and thunder stories in the newspapers better than anything." When visited by a member of the Board of State Charities, who has been familiar with his history for several years, he said, "I suppose I did these things — they say I did," although at other times he made no pretense to any forgetfulness. My ideas of a moral imbecile are certainly something very different from this.

I cannot see, then, that there is any evidence of Pomeroy's insanity, except in the horrible character alone of the crimes which he committed. This has been somewhat insisted upon in his case; but alone, without other symptoms, it is really no evidence of insanity whatever. If we allowed it to be such, we should, as Westphal well says, be only opening the door to excuse every criminal.

The absence of remorse, too, has been considered a strong argument in favor of the boy's insanity; but that could not be insisted upon by one who had spent much time in prisons. General Chamberlain states that remorse is an unusual emotion among convicts, except with that class of them who have committed crimes from impulse, while under strong temptation,

or under the influence of alcoholic liquor, etc. The same observations have been made by others.

Jesse Pomeroy, then, it seems to me, is responsible for the crimes which he committed; not as fully responsible as you or I would be, but yet responsible before the law. In fact, if we could measure nicely, no two of us would probably be found who could justly be held to precisely the same degree of responsibility.

And here I would say a word as to the object of punishment. Of course, the first idea was revenge; the next was a step higher, and is generally called justice: "an eye for an eye, and a tooth for a tooth." But with the thinking classes, who have been again and again disappointed in their hope to see some reformatory method successful enough to become general, and who judge dispassionately, the real motive in punishment of criminals is the protection of society.

Leaving out the general question of the advisability of capital punishment as not belonging here, is it fair to suppose that anything else than death will protect society from such a monster as Pomeroy, when the chances of escape from prison are so many, and when we know that out of 266 men sentenced to imprisonment for life at Charlestown from 1828 to 1875, 135 have been pardoned? From the adoption of the constitution in 1780 to the year 1875, 137 persons have

been convicted of capital offenses in the Supreme Court of Massachusetts; of whom 76 were executed, 25 were pardoned, 34 had sentences commuted, and 2 died in prison.

I have not seen the accounts of the horrible deeds recently committed, and quoted at a late meeting of one of our medical societies, and I have not had the time to investigate and consider them carefully enough to form opinions in regard to them. I should not, however, consider it safe to base my diagnosis upon the accounts in the daily papers.

It seems to me, too, that the average bad boy does fully as wrong things as to throw stones at his mother and then tell her that he is sorry for it.

I read in the London *Times* a few weeks ago an account copied from the St. Louis *Globe* of the trial of a midwife who delivered women and "disposed of" their babies. She was in the habit, as shown by indisputable evidence, of throwing the infants, dead or alive, into a stove and burning them up. What possible motive, you may say, could such a wretch have in killing with so much cruelty, when it was just as easy to do it without inflicting pain or causing suffering?

Crimes of a horrible character have been fearfully frequent of late, especially in Italy and the United States, in both of which countries punishment for

crime has become lamentably uncertain. I think that this terrible danger to society can be removed; but to quote the words of one of the first alienists now living, it is necessary in order to do it to hang some of these murderers.

After having tried all sorts of treatment for criminals, the so-called "humane" and others, England has finally settled upon the "stern and deterrent system" approved by Chief Justice Sir Alexander Cockburn as the best; and, according to Major Du Cane, Inspector-general of Prisons, this has already begun to have its effect in reducing the number of commitments for crime. I fully believe that the stern treatment would have upon boys of Pomeroy's class the same effect which the return to the use of the lash on the bare back had on the garroters of London.

Among the experts who have seen Pomeroy, and consider him irresponsible, there are two opinions on this point: —

(1) That punishment would have no effect upon him or upon others of his class.

(2) That punishment would deter them from crime, but that the same thing might also be said of a considerable proportion of the inmates of our insane asylums.

THE CASE OF GUITEAU

ASSASSIN OF THE PRESIDENT OF THE UNITED STATES

CHARLES JULIUS GUITEAU was born September 8, 1841. His paternal grandfather was a physician highly respected and of intense religious feeling. His father, a man of character and intellect, of uncommon business capacity, was a religious fanatic devoted to free-love socialistic teaching during the last thirty years of his life; he died at the age of seventy of some disease of several months' duration and attended with emaciation and delirium. By some of his family, and some of those who saw him in his relations to his delusions, this father was considered at least partially insane, but the more general opinion apparently was that he was only eccentric. Eighteen years ago he visited the Central Hospital for the Insane at Jacksonville, Illinois, to take a patient there, and he remained several days. His delusions with regard to his own intimate relations with the Deity, his attempts to cure the insane by the laying on of hands, supposing himself to be divinely commissioned to effect cures in that way,

Boston *Medical and Surgical Journal*, 1882, Vol. cvi, p. 145. This essay was translated into French and reprinted in Paris.



CHARLES J. GUITEAU

From photographs taken by C. M. Bell, Washington, D. C., July 4, 1881.

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and his general demeanor, led Dr. McFarland, the medical superintendent of the asylum, to at that time consider him insane. One paternal uncle of the assassin died insane in an asylum, a second was a drunkard and finally imbecile; of one paternal aunt, who died of "consumption," and who had an insane daughter, her husband having also been insane, it was testified and denied that she was morbidly in dread of her family's going to the poorhouse; another paternal aunt, with regard to whose mental condition the testimony was contradictory, but of whom there was some evidence of insanity, had an insane son, committed to an insane asylum. Guiteau's paternal grandmother died of consumption. His mother, at the time of his birth, had been confined to her bed for some time with a disease attended with marked cerebral symptoms, for which her head had been shaved, and her two children born in later life died at the ages respectively of two years and twenty months. His only sister, after her evidence in court, had an attack of *petit mal*, to which her physician said she was subject; and he also said that she had earlier in life had puerperal mania. Guiteau's only brother testified: —

"My religious theory is that there are two forces in the universe, — one under Satan or the devil, and one under God or Jesus Christ; my father held to the view that there were living in the world those who

were seized of the devil or Satan, and of Christ or God; he believed that these two forces were at war, one with the other, and that at present and since the fall of man Satan had, to a very great extent, dominion on the earth to possess himself of all those he could, and that he did possess himself of all those who were not absolute believers in the Lord Jesus Christ as Saviour, and who had not been saved from the power of sin by a complete union with the Lord and Saviour Jesus Christ; that all evil, all disease, all deformity, all infirmity, was the result of sin or the admission of those who had a free will that they were under the dominion of Satan or the evil spirit, or of evil nature. That was my father's theological view, it was my brother's, it was mine."

Guiteau's only half-sister, aged about twenty-six, had exophthalmic goitre, and of his only half-brother, about twenty-three years old, no testimony was given.

Guiteau was a wilful and bright child, unable for a long time to pronounce certain words ("quail" he called "pail," and "come," "ped"), and, after the death of his mother when he was seven years old, he was left without parental care, his father having been absorbed in his business as cashier of a bank, and in the religious vagaries of the Oneida Community, a society based upon the absence of the marriage tie, upon communism in ownership of property, and a

certain fanatical belief in inspiration from God as the basis of their methods of living, — perhaps rather as a cover for their impure relations of the sexes. His father treated him with great harshness and with neglect.

Guiteau had no serious injury or accident other than a severe blow over the upper and posterior portion of the left side of the frontal bone, corresponding to which there remains a scar. Guiteau was indisposed to manual labor, but fond of books, and especially of reading the New York *Tribune*, from which he gained a great admiration of self-made men, whose successful lives he meant to imitate. The evidence is too meager to show whether or not, up to the age of eighteen, he differed materially in intellect from other ambitious boys. He once struck his father in anger. Soon after that time, however, he gave up his studies and plans of a liberal education, and became so absorbed in religious fanaticism as to neglect his work, and to attract the attention of his friends, who began to have fears for his sanity. His letters then changed from being simple and natural to the religious and exhorting style. It is stated that he became addicted to evil practices too common among boys, and that from other bad habits he contracted the mild form of venereal disease, so that when he gave up his collegiate studies at the age of nineteen to enter the free-love

community at Oneida, it was maintained that he did so not entirely from religious motives or in obedience to his father's often-repeated wish that he should do so, but partly at least from licentiousness or the inordinate force of the sexual function so common in the congenital form of mental degeneration. While with the community he was a nervous, quick-tempered man; if anything was said to disturb him he would get angry, and would gesticulate wildly, and talk in a mysterious manner; he would sit for hours in a corner saying nothing to anybody; at other times he would be cheerful. He availed himself of the opportunity to study in the library, but showed an extraordinary self-will, vanity, restlessness of restraint, indisposition to industrious habits, and finally such boundless personal aspiration that he left Oneida. He was disgusted with his comparatively low position and menial employment, and with the coldness of the women of the community toward him. He had been there five years, during which time he had given up regular study, and imbibed communistic ideas. He even claimed inspiration (as he now claims to have had when he joined the society) when a few weeks later he attempted, in a farcical imitation of a distinguished journalist, to establish a great daily paper, called the *Theocratic Press*, which was to take the place of all the churches and provide to the whole United States religious in-

struction daily. At that time has was living in an attic on crackers and lemonade, without knowledge of the world, friends, or capacity, and with only nine hundred dollars in money. In a letter to his father, dated April 10, 1865, he spoke of this project as follows: —

"I came to New York in obedience to what I believed to be the call of God. With the Bible for my text-book and the Holy Ghost for my schoolmaster, I can pursue my studies without interference from human dictation.

"And here it is proper to state that the Energies of my life are now, and have been for months, *pledged to God*, to do all that within me lies to extend the Sovereignty of Jesus Christ by placing at his disposal a powerful daily paper. I am persuaded that Theocratic Presses are destined, in due time, to supersede to a great extent pulpit oratory. There are hundreds of thousands of ministers in the world, but not a single daily Theocratic Press. It appears to me that there is a splendid chance for some one to do a big thing for *God*, for humanity, and for himself. At no time since the creation of the world have mankind been prepared for such an innovation. Instead of persons spending an hour or two (as they now do), *once* in 7 days in *religious* thought, we should present them a Theocratic daily each morning at their breakfast table, and thus introduce *God into the practical*

affairs of life. The grand object of the paper would be to infuse into the public mind *true* ideas of God, of Christ, and of the Spiritual World, and to establish a *true* Standard of righteousness by inculcating the doctrine that the fear of the Lord is the beginning of wisdom.

"Do you say that the Establishment of a great daily paper is a stupendous work and only to be accomplished by extraordinary talents and Energy? Of course it is; and when I consider the vast work to be done, and my own insignificant attainments, my heart sinks within me; 'but *when*, I am *weak*,' says Paul, '*then* I am *strong*'; I say boldly that I claim *inspiration.*

"I claim that I am in the employ of *Jesus Christ & co.*, the very ablest and strongest firm in the Universe, and that what I can do is limited only by their power and purpose. I have very little confidence in the flesh; but a vast deal in the power and purpose of *God;* and I know that He will give me the requisite energy and ability to do my work *well.* The favor of God is vastly more important (in my view), in the pursuit of an object than any thing else.

"Whoever Edits such a paper as I intend to establish will doubtless occupy the position of Target General to the Press, Pulpit, & Bench of the civilized world; and if God intends *me* for that place I *fear not;*

for I know that He will be 'a wall of fire round about me'; and keep me from all harm.

"To compete with the Devil you must use the *Same* agencies in propagating *truth* that he does in propagating *error*, and thereby supplant *evil* by *good*. I am therefore bold to confess that I should support the paper as other dailies are; ie, by subscription advertisements & the free contribution of the friends of the cause.

"Perhaps the same munificence that has sustained the American Bible Society, erected magnificent Churches and kept tens of thousands of ministers in luxury, would if it could be *controlled* sustain a national chain of Daily Theocratic Presses."

His failure was a matter of course, indeed his attempt hardly even assumed the form of definite work, and about six months after he left the Community he was eager to return, full of promises of a life of obedience to the leader, and disappointed with his utter inability to earn a livelihood by his own efforts. He had become convinced that the communists' idea of life was the correct one, that it was destined to supplant all religions, and that he was to be at the head of it. After another year there he left again, clandestinely. His threat to sue the Community for fifteen hundred dollars a year for his services while with them was followed by strong denunciatory language of their free-

love life, but the suit was abandoned from want of success, fear of the results of his attack, or diversion of attention to something else. It is stated upon good authority, but not in evidence, that the intention was to claim insanity from masturbation in Guiteau if the suit was pressed.

From 1866 to 1871 Guiteau's life was rather an unsettled one. After a brief stay and second failure in New York, he spent most of his time in Chicago studying law, and trying to practice, attending religious meetings assiduously. He never had more than a small knowledge of the law, and his business consisted chiefly in collecting bad bills, which he often neglected to pay to the owners. He married an estimable lady, whom he met at the Christian Association in 1869, lived with her four years, committed adultery with a prostitute, and appeared as his own witness to secure a divorce in 1874. Inasmuch as he acknowledges having had both syphilis and gonorrhea it is inferred that his life was more licentious than he admits.

After an unsuccessful trip to San Francisco, Guiteau appeared again in New York, where he failed as signally in practicing law as in Chicago. He hung about some of the offices during the political campaign of 1872, and although he had no capacity even for work of a low order, and actually did nothing of use, he expected a foreign mission in case Mr. Greeley

should be elected. This idea he at once abandoned upon learning the result of the election. In 1874 one of his irregular law practices was commented upon sarcastically in the New York *Herald*, as a result of which he sued that paper for one hundred thousand dollars. He soon abandoned the suit, but has at least appeared to think, up to the present time, that he might secure a compromise to bring him in ten thousand dollars. In the same year he was thrown into jail for habitually defrauding people of their dues. After his release he showed himself sharp, persistent, and shrewd, as well as unscrupulous, in doing for a while a rather disreputable business in securing release of prisoners from jail through technicalities and errors in committal. That source soon failed him. He was also once sent to jail in Chicago for retaining money not belonging to him.

In 1875 he conceived the idea of reviving a bankrupt Chicago paper, *The Inter-ocean* (an attempt which, later, in sensible form, proved successful), and of becoming a great editor, having previously tried to thrust his worthless services upon the editors of two leading New York papers to get experience. He tried to hire a large building for the purpose, selected an engine and two large presses, and attempted to arrange with a telegraph company in such a way as to reproduce the New York *Herald* word for word in

Chicago every morning. Without experience, knowledge, money, or capacity, he offered one stranger to make him president of the United States if he would contribute two hundred thousand dollars to the project, and another to secure for him the governorship of Illinois if he would give fifty thousand dollars, — all this in apparent earnest. The project was dropped in a few weeks.

After failure in that direction he drifted around to the house of his sister, in July, 1875. Soon after arriving there he went to work in the hayfield with her sons. The weather being very hot he returned to the house after a short time complaining of the heat, seeming much exhausted, and lay down on a sofa. After he had rested awhile his sister asked him to cut some wood, and he went out for that purpose. In a few minutes she had occasion to pass where he was at work, and without provocation he raised the axe to strike her. She avoided him and ran into the house. She then set the hired man to watch him, with strict orders to keep near enough to prevent him from doing injury to any one until her husband's return from Chicago. In the meantime the family physician was consulted and examined Guiteau. The physician reported to his sister that he was undoubtedly insane, and his father had already pronounced him so. He

then suddenly disappeared, taking with him his Bible, which he constantly read.

In 1876 Guiteau was again vainly trying to do some law work in an office in Chicago, where the Moody and Sankey meetings were held, and he was a constant attendant. He was appointed one of the ushers. He became filled with zeal and soon began to look forward to doing the work of a great evangelist. He gave his entire time to religious study and devotions. In the following January he commenced his career as a lecturer.

He had written some very weak and trashy lectures about the Apostle Paul and the second coming of Christ, largely plagiarized from a book by the leader of the Oneida Community. He maintained that he was a great evangelist and went about from town to town, without money to pay his railroad fares or board bills, exhorting people to come to Christ and adopt his views of the Second Advent, now selling tracts, now preaching to empty houses, ridiculed, despised, turned out of hotels, driven off from trains, hardly knowing one day what he was to eat or where he should sleep the next, never seeking the haunts of criminals, always assuming great piety and seeming to fancy that in his wanderings he was really like Christ and the Apostle Paul, but yet without real moral principle.

He avoided the theater, card playing, tobacco, and alcohol in all forms, seeming to genuinely despise all such habits, and to consider them wicked. He was low, mean, ill-tempered when aroused, but often mild in his demeanor, ready to borrow money, never intending to pay, and thoroughly unscrupulous about giving other people their dues or even their own money if he happened to have it. It was in evidence that he burnished up a sham-gold watch and tried to sell it as gold. He did not steal, and his life does not suggest the real criminal so much as the nuisance or fraud.

In 1879 he published in Boston, where he then was, a book of his lectures called Truth, A Companion to the Bible, "That many souls may find the Saviour." For this he never paid, and he failed to sell the few copies which he managed to get into his possession. There is very little in it to strike one's attention. It might, or might not, have been the work of an insane man, certainly not that of a wholly sound mind. He speaks constantly of Christ as "that wonderful creature," says that "Heaven is a thousand times better than this sin-cursed earth." A specimen of his argument is as follows: "The theaters are sending many to hell. Do you think it harmful to go to the theater?" "Yes, decidedly. What do you think of the dear Saviour, elbowing his way into a theater to see a woman's leg? The drama tends down, not up.

Many a man has been ruined by frequenting theaters. If I had my way, I would close every theater in the land." "I do not like to say anything against the pulpit, as it represents many pious and able men; but I must speak the truth without fear or favor." . . . "Man is a moral agent. He can go to the right or left. He can choose good or evil. He can go to church or to a saloon, and end in heaven or hell."

While in Boston he kept attending religious meetings, frequented the rooms of the Young Men's Christian Union and made a few ridiculous failures in trying to lecture, announcing himself with the title of honorable, lawyer, and theologian, in one case putting himself in the handbills as The Little Giant from the West. He once said that he had challenged Colonel Ingersoll to debate, but did not think that Ingersoll had courage enough to meet him. There were about fifty persons present at the lecture; the lecturer brought in a manuscript; he commenced by reading some half dozen lines, and then skipping some half dozen pages he went on without any connection whatever; at the end of half an hour he evidently became disgusted and left the platform in a great hurry, as if angered at something. He then gave up theology because it "did not pay," as he said in a letter written two weeks before the murder, and took up politics.

During the early summer of 1880 Guiteau spent a number of weeks in the library of the State House in Boston. He was quiet and orderly, studying law and the statutes of the several States. He had several untidy habits and was finally informed that the room was not a loafing place, when he ceased coming to it. In September of the same year he acted as solicitor to one of the insurance companies in New York, and brought in six applications, living most of the time, as before, by not paying his bills. With regard to that point, it appeared that he paid when he had the means of so doing, but seemed entirely oblivious of his duty to earn money. He sometimes said that he was a servant of the Lord and like Christ paid no bills. When he tried to borrow money he did so in a way to show that, so far at least, he had the methods of a very shrewd rogue.

He wrote a sharp and very weak, but not otherwise noticeable speech, of no merit at all, in favor of General Grant as President, which he changed under the title of "Garfield *vs.* Hancock" after the nomination of Mr. Garfield, to whose election he appeared to really think that he had largely contributed, although he had done nothing but hang about the political headquarters and occasionally get a word from some prominent man. His speech he began to deliver only once to a small audience, but did not finish it, and yet

after the election he wrote Mr. Garfield, to whom he was of course unknown, that

"We have cleaned them out just as I expected. Thank God! Very respectfully,

CHARLES GUITEAU.

He early hoped to receive an important appointment, and November 11, 1880, wrote to the Secretary of State as follows: —

HON. WILLIAM M. EVARTS: —

DEAR SIR, — I wish to ask you a question. If President Garfield appoints Mr. A. to a foreign mission does that supersede President Hayes' commission for the same appointment? Do not all foreign Ministers appointed by President Hayes retire on March 4 next? Please answer me at the Fifth Avenue Hotel at your earliest convenience. I am solid for General Garfield, and may get an important appointment from him next spring.

Yours very truly,

CHARLES GUITEAU.

During October and January he had written to President Garfield, calling attention to his services in the campaign, and soliciting an appointment on the ground that he and a wealthy lady, whom he said he meant to marry, would well represent the United States. On the 8th of March he addressed a letter to the President, calling attention to his desire to be

appointed to the Paris Consulate. On the 11th of March he wrote Mr. Blaine the following letter: —

MARCH 11, 1881.

SENATOR BLAINE: —

In October and January last I wrote General Garfield touching the Austrian Mission, and I think he has filed my application and is favorably inclined. Since then I have concluded to apply for the Consul General at Paris instead of the Austrian Mission, as I prefer Paris to Vienna. I spoke to the General about it and he said your indorsement would help it, as it was in your department. I think I have a just claim to your help on the strength of this speech [his speech was inclosed], which was sent to our leading editors and orators in August. It was about the first shot on the rebel war claim idea, and it was the idea that elected General Garfield.

Mr. Walker, the present Consul at Paris, was appointed through Mr. Evarts, and I presume he has no expectation of being retained. I will talk with you about this as soon as I can get a chance. There is nothing against me. I claim to be a gentleman and a Christian.

Yours very respectfully,
CHARLES GUITEAU.

He followed up this communication by persistent personal appeals, and by writing notes and letters, urging in various ways his claims for the position. Wearied of his importunity the Secretary of State on

Saturday, the 14th of May, according to the prisoner's statement in writing, said to him, "Never speak to me again on the Paris Consulship as long as you live." On the following morning he wrote to the President, informing him of Mr. Blaine's statement and saying he was satisfied that Mr. Blaine was endeavoring to run the State Department in the interests of his own candidacy for the Presidency in 1884, and appealing to the President direct for an immediate order for his appointment. During this time he continued to visit the Executive Mansion, and urged and insisted on an opportunity to see the President. Finally, it became necessary, in order to avoid his presumptuous intrusion, to prohibit his entrance into the White House. On the 23d of May he wrote President Garfield a letter as follows: —

(Private)

MAY 23.

GENERAL GARFIELD: —

I have been trying to be your friend. I do not know whether you appreciate it or not, but I am moved to call your attention to the remarkable letter from Mr. Blaine, which I have just noticed. According to Mr. Farwell, of Chicago, Blaine is a vindictive politician and an evil genius, and you will have no peace till you get rid of him. This letter shows that Mr. Blaine is a wicked man, and you ought to demand his immediate resignation; otherwise you and

the republican party will come to grief. I will see you in the morning if I can, and talk with you.

Very respectfully,

CHARLES GUITEAU.

And yet on the 21st of March he wrote to Secretary Blaine: —

"I am very glad personally that the President selected you for his Premier. . . . You are the man above all others for the place."

There was a period during this time when there existed dissensions in the party in power, and there were frequent utterances of bitterness by partisans on both sides.

Without money or friends or influence of any kind, not paying his board bills, a man of utterly no consequence (and never treated as if he were), a wanderer, without a home, penniless, a man who had never really succeeded in anything in his life or gained the lasting respect of anybody, convinced that society was rotten and unjust, he wrote letter after letter to the White House, without being at all discouraged that no attention was paid to them. Indeed, he became a perfect nuisance in his persistent hanging about the State Department, and yet he wrote to the President familiar letters of advice, to which, of course, no attention was paid. A few of them are quoted: —

(Private)

March 8, 1881.

General Garfield: —

I called to see you this A.M., but you were engaged. In October and January last I sent you a note from New York, touching the Austrian Mission. Mr. Kasson, of Iowa, I understand, wishes to remain at Vienna till fall. He is a good fellow, I should not wish to disturb him in any event. What do you think of me for Consul General for Paris? I think I should prefer Paris to Vienna, and, if agreeable to you, should be satisfied with the Consulship at Paris. The inclosed speech was sent to our leading orators and editors in August. Soon thereafter they opened on the Rebel war claim idea, and it was this idea that resulted in your election.

Mr. Walker, of New York, the present Consul at Paris, was appointed through Mr. Evarts, and I presume he has no expectation of being retained. Senators Blaine, Logan, and Conkling are friendly to me, and I presume my appointment will be promptly confirmed. There is nothing against me. I claim to be a gentleman and a Christian. C. G.

(Private)

March 26th

General Garfield: —

I understand from Colonel Hooker, of the National Committee, that I am to have a consulship. I hope it is the consulship at Paris, as that is the only one I care to take, now that Mr. Phelps has the Austrian

mission. I think I have a right to press my claim for the consulship at Paris. I think General Logan and Secretary Blaine are favorable to this, and I wish you would send in my name for the consulship at Paris. Mr. Walker, the present consul, I do not think has any claim on you for the office, as the men that did the business last fall are the ones to be remembered. Senator Logan has my papers, and he said he would see you about this.

Very respectfully,
CHARLES GUITEAU.

(Private)

APRIL 5

GENERAL GARFIELD: —

From your looks yesterday I judge you did not quite understand what I meant by saying "I have not called for two or three weeks." I intended to express my sympathy for you on account of the pressure that has been on you since you came into office. I think Mr. Blaine intends giving me the Paris consulship, with your and General Logan's approbation, and I am waiting for the break in the Senate. I have practiced law in New York and Chicago, and presume I am well qualified for it. I have been here since March 5, and expect to remain some little time, or until I get my commission.

Very respectfully,
CHARLES GUITEAU.

(Private)

April 29, 1881.

General Garfield: —

I wish to say this about Mr. Robertson's nomination. Would it not be well to withdraw it on the ground that Mr. Conkling has worked himself to a white heat of opposition? It might be done quietly and gracefully, on the ground that since the nomination many merchants and others in New York had petitioned for the retention of General Merritt. It strikes me that it would be true policy to do this, as Mr. Conkling is so determined to defeat Mr. Robertson, and the chances are that he may do it. It is doing great harm all around. I am very sorry you have got Conkling down on you. Had it not been for General Grant and Senator Conkling we should have lost New York. The loss of New York would have elected Hancock. Mr. Conkling feels you ought to have consulted him about the appointments in his own state, and that is the reason he is so set against Mr. Robertson; and many people think he is right. It seems to me that the only way to get out of this difficulty is to withdraw Mr. Robertson, on the ground that since his nomination the leading merchants of New York have expressed themselves as well satisfied with General Merritt, who certainly is not a "Conkling man." I am on friendly terms with Senator Conkling and the rest of our Senators, but I write this on my own account and in the spirit of a peacemaker.

I have taken the liberty of making this suggestion

to Mr. Blaine, and wish you and he would give it due attention.

Very respectfully,
CHARLES GUITEAU.

(Private)

MAY 7.

GENERAL GARFIELD: —

I am sorry you and Senator Conkling are apart, but I stand by you on the ground that his friends Morton, James, Pearson, and the rest of them have been well provided for, and Mr. Conkling ought to have been satisfied.

Very respectfully,
CHARLES GUITEAU.

(Private)

WHITE HOUSE, MAY 10.

TO GENERAL GARFIELD: —

I have got a new idea about '84. If you work your position for all it's worth you will be nominated and elected in '84. Your opponents will probably be General Grant and Mr. Blaine. General Grant will never be so strong again as he was just after his trip around the world. Too many people are dead set against a third term and I don't think he can be nominated much less elected again. Two national conventions have slaughtered Mr. Blaine on account of his railroad record and connections.

The republican party are afraid to run him. This

leaves the way open for you. Run the Presidency on your own account. Strike out right and left. The American people like pluck, and in '84 we will put you in again. C. G.

P. S. — I will see you about the Paris Consulship to-morrow, unless you happen to send in my name to-day.

(Private)

MAY 16.

GENERAL GARFIELD: —

Until Saturday I supposed Mr. Blaine was my friend in the matter of the Paris Consulship, but from his tone Saturday I judge he is trying to run the State Department in the interest of the Blaine element in '84. You are under small obligations to Mr. Blaine. He almost defeated your election by the loss of Maine. Had it not been for Hancock's blunder on the tariff, and the decided efforts of the stalwarts, you certainly would have been defeated after the loss of Maine. You recalled Mr. Noyes for Mr. Morton, and I wish you would recall Mr. Walker for me. I am in with Mr. Morton and General Arthur and I will get them to go on my bond. General Logan and Senator Harrison and the rest of my friends will see that it is promptly confirmed. "Never speak to me again," said Mr. Blaine, Saturday, "on the Paris consulship as long as you live." Heretofore he has been my friend, but now his eye is on a "Blaine man" for the position that will help him in '84. Two national

conventions have slaughtered Mr. Blaine, and he ought to see that there is no chance for him in '84. I want to get in my work for you in '84.

I am sorry Mrs. Garfield is sick, and hope she will recover soon.

CHAS. GUITEAU.

(Private)

WHITE HOUSE, MAY 13, 1881.

GENERAL GARFIELD: —

I hope Mrs. Garfield is better. Monday I sent you a note about the Paris Consulship; Tuesday one about '84. The idea about '84 flashed through me like an inspiration, and I believe it will come true. Your nomination was a providence and your election a still greater providence. Had Hancock kept his mouth shut on the tariff he would have been elected probably, notwithstanding Grant and Conkling and the treachery of Kelly. Business men were afraid to trust a man in the White House who did not know "A" about the tariff, and this killed Hancock. You are fairly elected and now make the best of it. With two terms in the White House and a trip around the globe you can go into history by the side of General Grant. May I tell Mr. Blaine to prepare the order for my appointment to the Paris consulship, vice George Walker, recalled?

C. G.

From the time of his arrival in Washington and until he had lost the expectation of favors to be received, and made up his mind to kill the President, — a period of nearly three months, — he was an earnest, so-called, Garfield man. He announced to the President his devotion and fealty to him. He desired constantly to impress upon the President that he was for him as against every one else. May 7th he had announced to the President that in the contest going on he stood by him.

Six weeks before the murder Guiteau "conceived the idea of removing the President"; it flashed across his mind one night when he was lying weary on his bed. He says that the idea was revolting to him and that he struggled and prayed to get rid of it, or to be assured whether it was a suggestion from the devil or an inspiration from the Deity. In the meanwhile he wrote the letter of May 13th, just quoted. He maintains that on the first of June he learned that he was acting under "Divine pressure" or "inspiration," words that he had previously used in regard to other and ordinary acts of life.

On the eighth day of June he borrowed from an acquaintance fifteen dollars, representing that he was out of money and desired the amount to pay his board bill. After procuring this loan he at once visited a store for the purpose of purchasing a weapon. He

asked for a pistol of the largest caliber, one that would do the most effective work, and was shown and purchased a weapon carrying a bullet of the largest size. He carried it twenty-four days and often dogged the footsteps of the President. On the morning of the 18th of June he ascertained from publications in newspapers that the President would go to Long Branch, and he determined to kill him at the depot. He went there fully prepared for that purpose and was deterred from its accomplishment. Returning to his room he wrote: —

WASHINGTON, Saturday Evening, JUNE 18, 1881.

I intended to remove the President this morning at the depot as he took the cars for Long Branch, but Mrs. Garfield looked so thin and clung so tenderly to the President's arm that my heart failed me to part them, and I decided to take him alone. It will be no worse for Mrs. Garfield to part with her husband this way than by a natural death. He is liable to go at any time, anyway.

C. G.

He had attended the President's church, standing in the aisle for the last half hour of the service to see the position of the President's seat, and then viewed it from the outside to learn how he could shoot him from a window behind his back. He lurked in an alley, watched in the park, and sought opportunities for the

murder nearly three weeks, several times giving up his intention of shooting Mr. Garfield for reasons apparently of mere practicability. I doubt whether a murder has ever been committed more deliberately and with more careful preparation for every possible event, a statement which may also be made of a recent murder of an attendant in a Massachusetts asylum by an insane patient who has thus far escaped detection.

Early on the morning of July 2d he last made preparations for the murder. Breakfasting (for which he did not pay) at the Riggs House (a first-class hotel) he took the weapon that he had previously obtained, and going to the foot of Seventeenth Street, away from residences and beyond observation, he planted a stick in the soft mud on the river bank where the tide had gone out and deliberately practiced his aim and tested his weapon. He intended that there should be no failure in the accomplishment of the crime for which he had been preparing. Returning he took with him a small bundle of papers and went to the Baltimore and Potomac railroad depot at half-past eight o'clock A.M., an hour before the arrival of the President. After reaching the depot he went to the news-stand and left certain papers, with a letter addressed to Byron Andrews, a correspondent of the Chicago *Inter-Ocean*, and a package addressed to Mr. Preston, of the New York *Herald*, and then went into the closet, carefully

examined his weapon, placed it in his pocket, returned, and went outside to the pavement, had his boots blacked, and then, to avoid the vengeance of the community, which he feared, engaged a carriage to take him two miles to the Congressional Cemetery, close to the jail, which he had previously examined and in which he hoped to be protected. Standing back of Mr. Garfield, he fired two shots at him with entire steadiness of aim. He then turned to leave the railway station, walking calmly to the street door. Upon being seized, after the noise of the reports, he made some not very violent remonstrance and then said that he wished to send General Sherman a letter, which proved to be a demand for his protection by the army. The evidence showed that he looked desperately in earnest but behaved with composure. He also had prepared an address to the American people claiming that he had acted for the good of the country, to make Arthur President, and to save us from another civil war. His pockets contained a large number of newspaper cuttings containing violent denunciations of the President. Just after the murder he said: —

"My getting or not the Paris Consulship had nothing whatever to do with my shooting the President; I shot him purely as a political necessity under Divine pressure: and it was only by nerving myself to the utmost that I shot him anyway. If he should recover

and I should meet him again, I would not shoot him; and now I leave the result with the Almighty. In case the President had said that I could not have the Paris Consulship, I intended to go to New York or Chicago and open a law office and let politics go. I shot the President without malice or murderous intent. I deny any legal liability in this case. . . . I had none but the best of feelings, personally, toward the President. . . . I put away all sentiment and did my duty to God and to the American people." About the 16th of June he wrote, in an address to the American people, "In the President's madness he has wrecked the once grand old Republican party and for that he dies; this is not murder, it is a political necessity." "I conceived the idea of removing the President four weeks ago. I conceived the idea myself and kept it to myself." He had said that Garfield's nomination, election, and removal were acts of God, and also "My idea is that I shall be nominated and elected as Lincoln and Garfield were, — that is, by the act of God." He explained his act of murder thus: —

"If Garfield was out of the way, thought I one night in bed, everything would go well. Things seemed to be going from bad to worse under his leadership and I foresaw another desolating war as the result of it. For two weeks I prayed over the possi-

bility of the President's removal. The more I prayed about it and the more I looked at the political situation the more I saw the necessity of his removal. Finally, after two weeks of earnest prayer, I decided that the Deity had called me to do it and I commenced preparation for it. This was about the 1st of June. From that day to this I have never had the slightest doubt as to the Divinity of the act or the necessity for it."

After reaching the jail he had the best night's rest for many weeks. I think there can be no doubt that he fully expected to be supported by the political opponents of Mr. Garfield, and when he learned their abhorrence of his crime, he said: "What does it mean? I would have staked my life that they would defend me." He believed, I think, that he was to become a great patriot, visit Europe, be *fêted* everywhere, receive the praise of everybody, sell a revised edition of his worthless little book on the Second Coming of Christ, reach the Presidency of the United States, and die rich, happy, contented, and famous. The evidence was contradictory as to his having once said that he should imitate the assassin of President Lincoln.

When brought into court Guiteau had with him a prepared address which he was not allowed to deliver. The opening part is as follows: —

"If the Court please, I desire to address your honor at the threshold of this case. I am in the presence of this honorable court charged with maliciously and wickedly murdering one James A. Garfield. Nothing can be more absurd, because General Garfield died from malpractice. The syllogism to prove it is this: Three weeks after he was shot, his physicians held a careful examination and officially decided that he would recover. Two months after this official announcement he died. Therefore according to his own physicians, he was not fatally shot. The doctors who mistreated him ought to bear the odium of his death, and not his assailant. They ought to be indicted for murdering James A. Garfield, and not me. But I have been indicted, and must stand my trial for the alleged homicide. General Garfield was President of the United States, and I am one of the men that made him President. His nomination was an accident; his election the result of the greatest activity on the part of the stalwarts, and his removal a special providence. General Garfield was a good man but a weak politician. Being President, he was in a position to do vast harm to the republic, and he was doing it by the unwise use of patronage, and the Lord and I took the responsibility of removing him. I certainly never should have sought to remove him on my own account. But why should I shoot him? He never

harmed me. From him I expected an important office. I considered him my political and personal friend; but my duty to the Lord and the American people overcame my personal feeling, and I sought to remove him. Not being a marksman he was not fatally shot, but incompetent physicians finished the work, and they and not me are responsible for his death. Nothing but the political situation last spring justified General Garfield's removal. The break in the Republican party last spring was widening week by week, and I foresaw a civil war. My inspiration was to remove the late President at once, and thereby close the breach before it got so wide that nothing but another heart-rending and desolating war could close it. The last war cost the nation a million of men and a billion of money. The Lord wanted me to prevent a repetition of this desolation, and inspired me to execute his will. Why did he inspire me in preference to some one else? Because I had the brains and nerve probably to do the work. The Lord does not employ incompetent persons to serve him. He uses the best material he can find. No doubt there were thousands of Republicans that felt as I did about General Garfield's wrecking the Republican party last spring, and had they the conception, the nerve, the brains, and the opportunity they would have removed him. I, of all the world, was the only man

who had the conception. On the trial of my case I propose to summon some of the leading politicians of the Republican and Democratic parties, also the leading New York and Washington editors, to show the political situation and the perils which surrounded the Republicans last spring. I propose to go into this branch of my defense extensively. Another reason the Lord inspired me to remove the President in preference to some one else is because he wished to circulate my theological work, The Truth. This book was written to save souls and not for money, and the Lord in circulating the book is after souls. By it he preaches the gospel and prepares the world for their judgment, which to some people, and with reason, is not far distant. I have been delayed in getting out a new edition of this book, which will include a graphic narrative of my life, but I expect that it will be issued shortly. More than one hundred witnesses have been summoned by the prosecution. Two-thirds of them I know nothing about, and the Court, I presume, will decide that they are irrelevant. The issue here is, 'Who fired that shot—the Deity or me?' "

He appealed to prominent lawyers for help in conducting his case and to the American people for money, on the ground that his cause was as worthy as that of the widow whose husband he had murdered, and for

whom there had been a liberal subscription. He angrily protested against the lawyer assigned him by the court, reviled the other counsel, his brother-in-law, and insulted the prosecution to the last degree.

I examined Guiteau in jail a week before the trial. I did not find any positive physical evidence of brain disease. The asymmetry of the head, shown in the photograph, the slightly exaggerated arching of the palate and protrusion of the upper incisor teeth were worth noticing. In connection with other symptoms, and especially with the strong hereditary predisposition to degenerative disease, they were of some slight value as corroborative evidence of insanity. His mental state seemed to me clearly one of weakness, due, possibly, to some very early, if not congenital, form of insanity, or to the dementia produced by disease, mild if chronic, organic if acute, possibly what some alienists would call the insane temperament or partial (moral) imbecility. There was no incoherence, but the want of connection in thought was very striking. The weakness of judgment, reason, and reflection was as striking as the quickness of perception, and in matters interesting him, readiness of memory. When in the least opposed his excitement was simply maniacal, but on indifferent subjects he conversed calmly and amiably. He insisted that he was not insane, and never had been so. His whole line of defense was to

be, in his mind, that the doctors and not he killed the President, and that the political situation justified the assassination, — a point which he meant to establish by the testimony of the leading politicians and newspaper editors of both parties; and yet beyond the mere suggestion he had no definite plan, and was diverted from one subject to another like a child or a general paralytic. He did not know that I was a physician; he seemed to pay very little attention to me at first, and went on talking with his counsel as if I were not there. He appeared to me to consider himself a great man, the friend and equal of the first, the maker of a President, the saver of his country, an evangelist who meant to save the world by a worthless book, a politician whose miserable little speech, which he delivered only once to a couple of dozen negroes, did much to elect Mr. Garfield, and insured him the right to one of the highest offices in the land, a low, syphilitic lover who was to marry a wealthy and cultivated lady (to him unknown) simply by the asking, a hero who was going to Europe to be *fêted* as was General Grant, and to live a long life, rich and happy. I certainly had never before seen such a grotesque contrast between lofty delusion and low reality except in cases of general paralysis of the insane.

My opinion, given after thinking over the interview for a few days, and which I said that I might

modify after further knowledge of the case, was as follows: —

(1) When Guiteau shot the President it was under the influence of a delusion consistent with previous manifestations of insanity.

(2) His shooting the President was, to a certain extent, the logical result of bad training, character somewhat unscrupulous, enormous self-conceit, self-will, disappointment in not getting office, cowardice, extreme political partisanship, delusions or deceit regarding religion, desperation of poverty, expectation of personal gain, love of notoriety, and hope of praise from the "stalwarts."

(3) There is a strong hereditary predisposition to insanity in his case.

(4) He supposed that he should escape punishment.

(5) Certainty of punishment would have restrained him from the act.

(6) He could and did on several occasions exercise self-control regarding his delusions about shooting the President, — perhaps knowing that he should have other chances.

(7) He knew that his act was wrong in general, but believed that the good to his political party and to the country counterbalanced the wrong, and made the deed heroic. How far he acted under the delu-

sion that God directed his deed I am not sure, with my present evidence.

(8) Crime and insanity are so mixed up in his case, that I should want more evidence before deciding what my views would be as to his punishment.

(9) His punishment might deter others of his class from similar deeds, but his hanging under circumstances involving publicity as to details would probably incite insane persons of another type to murder.

(10) My present impression is that he should not he hanged, provided he can be sent to an asylum for the criminal insane, a prison, or a jail for life.

One of the senators from Illinois testified that about the 12th or 15th of March Guiteau called on him in Washington. He said: —

"He was rather peculiarly clad for the season, there being snow on the street at the time; he had on his feet a pair of sandals or rubbers, or something of that kind; he had no stockings; he wore a light pair of pantaloons and a common, ordinary coat; a day or two afterwards he came again to my room uninvited; he still insisted on my signing his recommendation, reiterating the same statement as before, of his having a promise of the place if I would recommend him; I again declined. I had in the meantime, out of curiosity, read his speech; he was a little more excited at the second interview, for I tried to dispose of the mat-

ter as quickly as possible. I thought there was some derangement of his mental organization, but to what extent I could not say; when I went down to breakfast that morning, I saw him at the table as a boarder; I called the landlady, and asked her if she knew that gentleman; she mentioned his name, and said he had told her that he was a constituent of mine. I said, 'I do not think that he is a proper person to have in your boarding-house;' she asked why; I said, 'I think he is a little off in his head,' or some language of that kind; she asked me what I meant, and I said I thought he was kind of crazy, and that she had better not have him in her boarding-house."

Guiteau's conduct in court, where I observed him for eleven days, was consistent with what I had seen in the jail; angry denunciation of his counsel for not adopting his theory of the defense, such boundless egotism and overweening conceit that he constantly even told untruths to make himself appear a man of brains, rapid changes from maniacal excitement to silly satisfaction, enormous self-will, and determination without definite plan, a wavering, weak mind full of suggestions but without resource or ability to follow up his ideas, quick perception, acute memory, intense self-satisfaction, ruffianly brutality and lewdness, a rather exceptional degree of acuteness, and withal an evident wish and apparent expectation of being

acquitted. The trial was manifestly the great pleasure of his life. When he had an opportunity to declaim to the court from his "Oration on Paul the Apostle" he was evidently lost to everything else in beaming satisfaction and joy. At last, he was the center of observation and he reveled in it to the utmost, irrepressible, voluble, coarse, vulgar, and yet always speaking of himself as "high-toned," allowing that he had been thought "cranky" all his life, one moment grinning with pleasure, the next convulsed with passion, and constantly injuring his own cause by calling his best witnesses liars, his brother a defaulter, and his counsel a jackass. He certainly was, as he said, "dead in earnest." His cross-examination showed an amount of readiness in reply, quick wit, and "dead earnestness," that I certainly had never seen before. If he had been shamming, it does not seem to me possible that he could have avoided tripping up not only once but often.

He assumed various theories of his own insanity at the time of the murder (Divine pressure, inspiration, Abrahamic insanity, transitory mania), and cited cases of persons who had escaped punishment on that defense, — a subject with which his law studies had made him more or less familiar. He insulted the negroes one day and apologized the next, there being one negro on the jury; and he constantly appeared to be trying

various pettifogging devices to help his cause. He persistently denied facts to his disadvantage in his earlier shameful life, wandered off into advice to the Government to suppress Mormornism, or to President Arthur to discharge this officer and that, and was once so excited as to strike one of the officers of the court for simply hurrying him to his van.

When he heard that the jury had convicted him, he took the matter most calmly at first and then screamed out, "Vengeance is mine," saith the Lord, "I will repay! Beware ye, Americans, how you treat me, lest his wrath be kindled and you go down in blood and desolation." Having read of a severe railroad accident, he said that he would rather be hanged than die such a suffering death as that. When told that some one had offered $1000 for his body to dissect, he coolly said, "Perhaps some one will give $2000." While awaiting his sentence Guiteau was thoroughly unmoved, and corrected in a paper the error in statement that he was selling his autographs for $9 per hundred instead of per dozen. After Judge Cox had pronounced sentence of death he broke out, "May God have mercy on *your* soul! You need it more than I do. I am God's man. The act I did was commanded by him; and He will take care of it and of me. Nothing but good has come of it. God Almighty will curse you all, from the judge down to the humblest juror. I am going to

glory, but you will go below. The devil is waiting for you; and for that miserable scoundrel (the prosecuting attorney) he is preparing a permanent job below. I may not have to go for some time. I may be President yet. But if I am hanged the nation will roll in blood." He then became calm. At the jail he insisted that he was to have a new trial and perhaps still become President. He was vaccinated at his own request to escape infection through letters sent to him.

In attempting to describe Guiteau's mental state at the time of the assassination, one is at once met with many difficulties. He had led such a vagabond life that his few friends knew little about him, and the community at large was so clamorous for him to be hanged that it was impossible to get anything like full evidence. He was tried, too, four months and a half after the murder. The prisoner, although "dead in earnest" in his delusions, was still a special pleader for his own neck's safety, and was either extremely forgetful in some matters or, what seems to me more probable, exceedingly untruthful. It was therefore quite impossible to get at the whole truth, or to satisfactorily sift the contradictory testimony that was offered.

With regard to his "inspiration," it evidently was an afterthought to his conception of the murder, and, as on former occasions of his life, it was the expression

of the deep conviction of a weak-brained man that the Deity approved his plans. His "pressure" to kill the President, too, was perhaps not unlike the "constant pressure to write" for which he wrote his father, November 11, 1867, that he had the preposterous notion of joining the editorial staff of the New York *Independent*. His idea of special Divine protection, that the Lord interposed to save his life, when he jumped off a railroad train to avoid arrest for non-payment of fare, when there was a collision of steamers with him on one, when he shot the President in a crowd, when he was fired at on the way from the court-house to the jail and also in the jail, is, whether genuine or not, perhaps not inconsistent with bodily fear, and, like his inspiration and Divine pressure, was intensified by reason of his mental condition. He seemed to me to honestly consider himself "a servant of the Lord." He said in his lecture entitled, "*Some Reasons why many Persons are going down to Perdition, including a Reply to Attacks on the Bible*," that he "knew Moody ten years ago when he was the laughing stock of Chicago. His zeal was so great for the Master that he used to go up to strangers and say, 'Do you love the Lord?' 'Are you for Jesus?'" Guiteau used similar phrases in a similar way. How far that and his vagabond evangelist work were imitations of Moody, with hopes of his success, I cannot say.

The question exists in my mind whether there have not been in Guiteau's life several attacks similiar to subacute mania, each in turn leaving him more demented: *first*, when he excited the fears of his friends, at the age of eighteen, by giving up his studies, and becoming absorbed in a deep religious excitement; *second*, when he attempted the theocratic press; *third*, in the Greeley campaign; *fourth*, when engaged in his suit with the New York *Herald; fifth*, during the *Inter-ocean* project; *sixth*, when he raised an axe against his sister; *seventh*, at the time of his wanderings as an evangelist; *eighth*, when he expected the Austrian mission or the Paris consulship, and ending with the assassination or soon after. It was coincident with these periods of excitement — for they certainly differed from the quiet state in which he often was for months at a time — that he persecuted women with absurd plans of marriage.

The evidence, although not entirely satisfactory, seems to me to point to such attacks of mild mania resulting in considerable dementia, or to periods of maniacal excitement so common in the congenital or degenerative types of insanity or partial imbecility. In the latter case maniacal outbursts are apt to be mistaken for wickedness, because they are often, if not generally, associated with a directness of cause and effect similar to that observed in people who are simply bad.

If Guiteau has chronic subacute mania of a recurrent or paroxysmal type, it seems to me that his mental condition at the time of the trial indicated responsibility. At the time of the murder he had the extraordinary delusion that the political opponents of General Garfield, and finally the country, would approve his act, and make him a hero. How far he was incoherent, if at all, in ideas, at that time, and to what extent he was suffering from maniacal excitement, are facts which, unfortunately, have not been observed by competent persons, and will never be known. It may be said that nearly every great crime is committed under the influence of some delusion, as in the case of Orsini, for instance, who tried to kill Louis Napoleon because he thought that his subtle influence was prejudicing the English nation against Italy. That is to a certain extent true, and each man has his own view of the difference between an insane delusion and a false belief consistent with sanity. It is simply a matter of degree.

If Guiteau's type of insanity is congenital or developed by the blow on his head, or at puberty, or through masturbation, there is certainly enough in his family history to make such a result quite possible. This form of insanity, although comparatively rare and often confounded with depravity, is recognized by the leading authorities on mental disease as primary and secondary moral insanity, affective insanity, impul-

sive insanity, *folie raisonnante*, *moralisches Irresein*, *impulsives Irresein*, *primäre Verrücktheit*, *psychische Entartung*, *originäre Verschrobenheit*, *moralische Verkümmerung*. The legal responsibility in all these cases is a very obscure matter. The medical expert has simply to state the condition of moral perversion and mental unsteadiness, and the imperative nature of the conceptions of such minds, together with such a degree of intellectual capacity that it would not strike the ordinary observer as being defective or diseased, and society must deal with them as it chooses.

The best qualified of Guiteau's acquaintances to give an opinion states that his manner has entirely changed since last spring, that he has become more irritable, more emotional, much more exalted, and a very much more rapid talker; that he seems in expression and in act an entirely different man. He sees a new expression in the eyes, but is not sure whether the prominence of the right eyeball and slight deviation of the axis of one eye are natural or not. It was testified that before the murder his condition was one of great exaltation. There might be some ataxia or only the unsteadiness of legs arising from confinement. Upon striking the patellar tendon, the foot of each leg jerks quickly, describing an arc of about twelve inches. The tongue is flabby, and local fibrillar twitchings are observed, first, in one part of it, then in another. In

rapid speech the articulation seems without conspicuous fault, which is certainly not the case when words are spoken slowly. The handwriting had not apparently become unsteady. These symptoms, associated with such expansive ideas and mental instability, are suggestive of an early stage of general paralysis of the insane, but do not prove it to my mind. I am by no means sure that it is not like the case reported by Christian a year ago, in the *Annales Medico-Psychologiques*, of an imbecile who had an attack of maniacal excitement at the age of thirty-one and general paralysis at about fifty, or one of those where, as Morel says, the incubation period of general paralysis of the insane is the whole previous lifetime. Guiteau ate enormously, slept well, and was badly nourished.

I have tried to select from the immense mass of evidence facts which state the whole case as impartially as possible. Dr. Godding, the medical superintendent of the Government Hospital at Washington, says: —

"In a case of as grave importance as this I would not express an opinion until I was in full relation with all the facts of the case. A man's impression is very different from his opinion. An expert's opinion should only be declared after a careful consideration of all the facts produced in evidence and a careful study of the prisoner." . . . "There is a very grave difference between medical insanity and legal irresponsibil-

ity, and on that difference this case hinges." . . . "I am sorry to see the experts classed on one side or the other. I hope the golden age is not far distant when the medical expert — all experts in fact — will simply appear as friends of the court."

Guiteau has been observed chiefly while on trial for his life and at a decided disadvantage. Even if he were shamming, as I think he was to a certain extent, that fact is as characteristic of the insane as of the sane. His whole conduct illustrates the annoyances which medical officers and attendants in insane asylums are daily compelled to bear. He seems to me to belong to that class of insane criminals who do least harm to society, after their crime, by being secluded for life in a criminal lunatic asylum, without trial, if that is practicable in our country. As the case stands, he has impressed the criminal classes and the country at large as being an unscrupulous, dangerous villain, with a badly arranged mind, feigning insanity to save his neck. The verdict of the jury has met with almost universal approval, and many of the insane in asylums, who feel that their own safety depends upon the maintenance of a high standard of responsibility there, agree with the jury. Others think otherwise: the Pocasset murderer, for instance, says that the protection of society would be just as much influenced by one's walking out and stepping on an ant as by hanging Guiteau.

THE CASE OF MARIE JEANNERET

Of the three assigned chief causes of premeditated crime, pleasure, greed, and intoxication, perhaps it is not altogether an accident that pleasure has been placed first. The whole world amuses itself, when it is not shocked or horrified, with the different and often inconsistent ways in which people seek the gratification of their instincts or emotions, their senses or passions, and at the queer sacrifices which they make of time, money, or conscience to carry out their desires. The unusual or unnatural sources of pleasure, especially such as involve injury, pain, suffering, or distress, whether given or received, have constituted a study of profound interest to the philosophers and moralists from Plato to Stanley Hall.

In a scholarly and interesting monograph, Die Wonne des Leids, the first edition of which, published in Vienna, was confiscated by the censor of the press as prejudicial to the public morals, Zimmerman relates briefly the story of Marie Jeanneret, a nurse who found her pleasure in poisoning, mostly with atropin, nearly thirty people, of whom six and perhaps eight died. Nordau alludes to it and Krafft-Ebing refers to it

under the head of hysteria, in a chapter on Nervenkrankheiten mit psychischer Störung. The case is reported in full in the Annales Medico-psychologiques.[1] The indictment was for eleven poisonings, and six murders.

Marie Jeanneret belonged to one of the respectable families of the canton Neuchâtel. Born at Locle, she was left without father or mother at an early age and her development in childhood was retarded by a fever from which she was a long time in recovering. She was brought up until the age of eighteen years by an uncle, with whom she enjoyed all of a father's care. She was changeable in her tastes, wanting in judgment, with an obstinate will, strong emotions, and a tendency to deceit and falsehood. At the approach of menstruation she began to be attacked by real or imaginary ills. She developed a passion for consulting doctors and for administering remedies to herself. If she had real ills, she exaggerated them and took pleasure in describing them. Through consulting many physicians she acquired a certain amount of medical knowledge on which she prided herself, claiming to be fitted to attend the sick. She said in 1865 that she had impaired vision, and one of her relatives took her with him to Vevey to consult Dr. Dor for her eyes. A year later at the age of thirty she declared her liking for the occupation of nurse,

[1] March, 1869.

and she succeeded in getting admitted to the nurses' school at Lausanne directed by Dr. Reymond. While there she said that she had defective vision in both eyes. She was again taken to Dr. Dor at Vevey, who declared that he had always suspected and later assured himself that she was feigning a trouble with her eyes. While at Vevey she had herself treated for a uterine difficulty by Dr. Muret, who considered her hysterical, unstable, excitable, and bent on forming connections with many persons, especially physicians. At this time and even earlier she had atropin in her possession, by means of which she had succeeded in counterfeiting a trouble with the sight. Dr. Dor declared that he never prescribed it for her or administered it, but thought Mlle. Jeanneret could, in his clinic, have got possession of a bottle that contained or had contained atropin, and could afterwards have procured more by means of it.

In the spring of 1866, during one of her stays at Vevey, Mlle. Jeanneret was boarding at the house of a Mme. Béroud, and there made the acquaintance of a Mlle. Berthet, of Nyon, with whom she contrived to get up an intimacy by describing her troubles and enlisting sympathy for her sufferings. One day after dinner, Mlle. Berthet having asked for a glass of water, Mlle. Jeanneret declared that clear water might disagree with her, and insisted on making her a mix-

ture of wine and sweetened water. Immediately after, Mlle. Berthet, having left for Clarens where she was going to visit a friend, felt herself attacked by strange symptoms.

She was followed by Mlle. Jeanneret, who came to join her; the woman seemed much excited, looking attentively at her eyes and trying to raise the lids in order to see them more closely. Mlle. Berthet, in spite of the distress that she was suffering, still had the strength to return to Vevey, accompanied by Mlle. Jeanneret, who urged her to come into her room to rest and to take a powder of effervescent soda. She then began very excitedly to hunt for something in her stock of medicines, and in a moment she handed an effervescent drink to Mlle. Berthet, saying, "Drink quickly." As soon as the latter had swallowed it, she fell back on a sofa without the power to hold herself up, being taken with nervous paroxysm and a delirium which lasted all that night and all the next day. They were obliged to take her back to her home in Nyon without her having the strength to tell what had happened. This had taken place on Tuesday, and it was not until Friday that Mlle. Berthet began to speak again. She could then relate the whole to Dr. Lambossy, who was attending her.

At the nurses' school at Lausanne, M. Reymond,

the director of the school, found her restless, excitable, and talkative, — qualities scarcely compatible with the profession of sick-nurse. At the end of two months, she asked to leave the establishment, pretending to be almost blind. During this apprenticeship, Mlle. Jeanneret had occasionally been employed, like the other pupils, in caring for the sick at their homes. In this way she was sent to the house of a Mme. Eichenberg at Lausanne, whose mother, a Mme. Chabloz, was ill and needed watching during the night. Mme. Eichenberg found Mlle. Jeanneret at that time sufficiently attentive and solicitous for the patient, but excited, tiring, abrupt and coarse in her conversation, and ordering or herself buying various drugs.

At two o'clock in the morning, nurse Jeanneret called Mme. Eichenberg, saying that her mother was very ill. She was delirious, with dilated pupils, and had an alarming paroxysm of vomiting. She was very ill for several days without the doctor's suspecting any poisoning. She afterwards stated that on that night her nurse had made her drink several times.

Another time she had made her take something very strong in a coffee spoon; and the next day, when she was asked if she had given Mme. Chabloz anything, she replied: "What the devil should I have given her to drink?" Another time, having found the Eichen-

berg family at supper, she insisted on those at table eating some bonbons which she had brought and which she called "princesses"; after which, the persons who had eaten them were all taken with vomiting.

Although sickly in appearance, she seemed intelligent, solicitous, and skillful in the care of the sick, especially in the presence of the doctors or of persons whose confidence she had an interest in gaining. She kept with her her own stock of medicines and numerous bottles which she said she used for herself.

She tried to enter into relations with the persons whom she met, giving them advice as to their health, offering them remedies, and predicting the course of their illnesses. She knew how to make herself interesting and insinuating and she tried by hypocrisy to get close to persons who were especially commendable for their piety. But she was rather rough with patients, and plied them with restless attentions.

Her conversation was interspersed with coarse expressions which were the more striking by their contrast with the character that she affected. Thus she called the doctors in their absence, "d—— fools" who did not know anything; she often said "I don't care a hang!" . . . and in speaking of one of her patients she called her "a piece of carrion, a poison."

It was difficult to form an exact opinion of the true

state of her health. During her stay at Geneva she consulted Dr. Goudet, saying that she was afflicted with neuralgia, a stoppage of the urine, and a uterine difficulty. She insisted on being submitted to the most painful treatment, in which she seemed to take pleasure, such as being burned with a hot iron, a treatment which she had endured before and of which she bore the evident traces along the spine. There was found among her papers a letter which she had composed and which purported to be written by one of her aunts to Dr. Julliard to describe her ills and to commend her niece to him. She had also addressed herself to Dr. Lambossy at Nyon, under a false name and with a forged letter of recommendation purporting to come from this aunt.

A little later, when a private hospital was established by Mme. Juvet, the accused, who had returned to Locle, was recommended as nurse, saying that she would be satisfied with "board, lodging, and laundry, without asking any salary." She was accepted and came to take her place. M. Juvet testified that one day when he was at the bedside of his wife, who was very ill, the latter heard a loud noise in the adjoining room, and got up hastily to see what was going on. It was Mlle. Jeanneret, who was beating little Julie violently upon her bed. M. Juvet, who was very deaf, did not understand what was going on; but arriv-

ing on the scene almost at the same time, he saw the poor child all in tears and entreating him to listen to her and to deliver her from Mlle. Jeanneret, to whom the child had taken a dislike. It is true that the nurse afterwards showed or seemed to show repentance for this act of violence, and that is also the way she acted with other patients, when they had to suffer from her roughness or coarseness. Here she poisoned Mme. Juvet and her daughter with bon-bons. She also prepared the cocoa for Mme. Juvet's son, and he had the symptoms of belladonna poisoning. One day one of his friends who had taken it with him was equally indisposed. The ailing condition of young Emil Juvet ceased, however, as soon as he stopped living in the house with the accused. As to Mme. Juvet, the accused used to say that "no consultation would be of any use for her." When Dr. Binet declared before her that things were going better, there was almost always a relapse the next day, or she replied that the improvement was not genuine. Finally the servant of the Juvets testified "that the accused had predicted her mistress's illness three or four days beforehand," at a time when the latter seemed in good health.

Young Julie Juvet died on the 27th of December, 1867; her mother, Mme. Juvet, about a month later. The decomposition of the body of Julie Juvet did not allow the making a chemical analysis of her remains,

but the experts found in the body of Mme. Juvet a considerable quantity of morphine, some antimony, and a small quantity of copper.

Before the death of these two persons, three other deaths of patients attended by the accused had already taken place one after another in the same Juvet house, one of whom, Mlle. Junod, entered the house of Mme. Juvet in the course of September, 1867. In October, the accused declared to her brother, Joseph Junod, that his sister "would probably have a congestion of the brain," and that she knew this from her being accustomed to the care of the sick.

A few days later, the patient was suddenly seized with violent delirium. She was wandering in her mind, with vomiting, and dilated pupils. Two days later, she died and there was found among the effects of the accused a ring which M. Junod recognized as one that his sister habitually wore, but the accused claimed that Mlle. Junod gave it to her as a present. The state of decomposition of the body of Mlle. Junod was too far advanced to allow the making of a chemical analysis of her internal organs.

Mme. Juvet's hospital being naturally closed through the death of the directress, the accused was temporarily received into the house of her brother-in-law. At this time she is said to have been ill herself for about six weeks, then to have been called to care for Mme.

Lenoir, an elderly woman, ill with inflammation of the lungs. She remained about three weeks with this lady, who lived at Plainpalais and whose illness terminated in death.

After this, through the agency of a teacher who had had some neighborhood relations with her, she made application to M. Gros, a former teacher, who had in his house a room to let. She had been there only a few days, when she was called to the house of Mme. Bourcart, who lived near Geneva. On her arrival at the Bourcart house, the servants noticed a basket full of medicine bottles that Mlle. Jeanneret brought with her. She said to one of them, while showing them to her: "If Madame has need of drugs, I have some here, in my basket"; and to the other who asked her what all those bottles were, that she used them "for the treatment of her eyes and of her spine." Three days after her arrival, Mme. Bourcart had an attack accompanied by delirium and vomiting. The next day, when asked if it was permitted for a nurse to give other remedies than those prescribed by the doctors, the accused was disconcerted.

As soon as she was dismissed from the Bourcart house, she returned to occupy her room again at the house of M. Gros, where at the end of a few days Mme. Bouvier was taken seriously ill and was attended by Dr. Lombard, and afterwards by Dr. Goudet in

consultation. These gentlemen, who saw her several times a day, thought she had congestion of the brain; still, Dr. Lombard said to his colleague: — "This is a sickness such as I have never seen." Mme. Bouvier was alternately red and pale, with a constriction of the throat and delirium at intervals. Sometimes there was an improvement, and they thought her out of danger; then she had a relapse; she finally died on the 22d of May.

About a fortnight before, M. Gros himself had been taken ill, after having sat up with his daughter for several nights in succession. The day before, the accused had said to M. Schauenberg, a relative of the Groses, "I am sure he is going to have the same attack as Mme. Bouvier." Indeed his illness did show the same symptoms: burning thirst, delirium, and vomiting. At the end of a very few days he lost consciousness and died.

The chemists found in the body of M. Gros and that of Mme. Bouvier atropin and morphine; there was also some antimony in the organs of Mme. Bouvier. The day before Mme. Bouvier's death, Mme. Legeret had succeeded in gaining admission to the house, and had taken tea there with the accused and other persons of the household. The accused contrived to get Mme. Legeret to take a glass of sweetened water. Immediately after, she became flushed and

complained of not seeing clearly. Her daughter, Mme. Emmanuel, being informed of this indisposition, came to see her, and Mlle. Jeanneret said to her: "You must by all means take your mother away; she has the same trouble as M. Gros; we have enough with one death in the house."

Mme. Legeret was taken to her home in a very alarming state; Dr. Gautier, who was called to her, found her unconscious, with pupils dilated, throat dry, and with hallucination. He recognized all the symptoms of belladonna poisoning, and supposed that the sick woman had in some way by mistake taken internally some remedy for external use that contained atropin. Her son-in-law, M. Schauenberg, having gone to the accused for information, told her what Dr. Gautier had said, and she replied: " Dr. Gautier is mistaken; it is the dilatation of the pupils that makes him think that; as for me, I haven't any of that drug at all; you can look at all my medicine bottles."

Mme. Legeret soon recovered. The accused having been obliged to leave the Gros house after these deaths, went to take up her abode in a boarding-house at Plainpalais, where she committed the last crime that was attributed to her. She made the acquaintance there of a Mlle. F., who was waiting to get a place in a family. This young woman testified that in the month of June, the accused, who was previously

unknown to her, had shown her many friendly attentions, and one day, when she was not feeling well, had insisted on her taking some Hoffmann drops on sugar. For this purpose the accused took her to her room, where she saw in a closet a score of bottles, which the accused told her contained drugs for herself. She took the drops poured by the accused on some sugar, and felt no ill effects from them. But some days after, Mlle. F. having taken supper with the accused, the persons who served them testified that the latter said: "This lady is not well; you are to have her take a foot-bath, and when she is in bed you are to go to see her and tell me how she is"; then she added in a low voice: "Pay attention to Mlle. F., she is crazy; she has her pupils much dilated; she has been talking nonsense." Mlle. F. was taken to the hospital by the doctor's orders, and recovered. In this same boarding-house the accused had tried to practice the effects of her drugs on a Polish lady and on a servant as well. And there were eight other probable cases in Geneva in which the people concerned were unwilling to present any evidence. On all these facts gathered during the prosecution, Mlle. Jeanneret was questioned again and again by the examining magistrate. "She acknowledged having surreptitiously administered morphine or atropin" to the six patients whom she had undertaken to care for, who died and whom she was

accused of poisoning. "She also admitted having surreptitiously administered atropin" to three persons who did not die and who were the subjects of three other counts of the indictment. She declared that she had no criminal intent and only yielded to the desire to make medical experiments, or to procure rest for the patients on whom the doctors' medicine produced irritating effects.

Dr. Badan, the physician to the prison, was called to see Marie Jeanneret three days after her arrest. He noticed dilatation of the pupils, which in time disappeared. The pulse was normal. He did not recognize any other appreciable abnormal symptoms. However, the accused told him of certain nervous affections which seemed to indicate an hysterical state. What he could testify to himself was a very nervous and impressionable temperament.

The report drawn up by the prison physician, Dr. Badan, and Drs. Duval and Olivet, on the mental condition of the accused, about two months after her arrest, states that: "Marie Jeanneret had been ill for several years; the complicated symptoms enumerated by her belonging to an hysterical temperament of which the principal manifestations had been, according to her account:

"Paralysis of the extremities and of the sphincters. Nervous attacks with partial or complete loss of con-

sciousness during a time of varying length (some minutes or some hours). Watery or bloody vomiting recurring very nearly periodically and connected with serious menstrual disorders. Disturbances of vision, digestion, and sensation. The greater part of these symptoms also showed themselves since her detention except the paralysis of the extremities. The report pronounced her sane and responsible.

A friend of Marie Jeanneret's from infancy wrote that "her disposition to hypochondria and imaginary ills was carried so far that one could not go to her without submitting to questionings of so intimate a nature as are only allowed to one's physician. . . ." And later: "Though she had never been pretty and when she was no longer young, she was asked in marriage by a young man without fortune, whom she loved or thought she loved, but whom she rejected afterwards, yielding, as she said, to the suggestions of her companions who saw in the young man's addresses a motive quite other than love. She possessed a fortune of about 30,000 francs."

This rupture, which was a great grief to her, added distrust and hate to her already far from sympathetic feelings; and from that time "she continually said she was surrounded by the envious and ill-disposed, by interested persons who only wanted her fortune, and she accused now her former fiancé, now her family, of

creating a solitude around her with an avaricious aim. And soon, hating her relatives, even the most estimable, and those to whom she owed most, she took pleasure in placing obstacles, wherever it was possible, in the way of the peace and happiness of her associates. Gradually in her fits of misanthropy, she had extended her sphere of active hatred, not being able, as she said, to endure the sight of happy people."

Two letters of the accused, written in February, 1866, to a physician who had attended her in February, 1859, are filled with a lively concern lest the absence of the hymen, which had to be ruptured for an examination with the speculum, should be improperly interpreted by physicians who might be called to attend her later. The accused asked for a statement as to the cause of this defloration. She was afraid of being misjudged, her honor was at stake, etc. According to all the evidence, Marie Jeanneret had always been of an irreproachable morality.

Drs. Muret and Virchaux, who attended Marie Jeanneret before she took up her residence in Geneva, testified that "at the time when they saw her, they did not consider her entirely responsible for her actions." Dr. Dor testified "that he regarded M. J. as unbalanced, ill, and hysterical," and later, "that he knew her to be untruthful, perverse, and malicious, that he did not think her completely responsible. . . .

We find ourselves," he added, "in the presence of a woman who for three consecutive years has used atropin, and we can recognize as a symptom of intoxication a retention of the urine which occurred during that time — a fact perhaps sufficient to have kept the accused in a state of overexcitement similar to that of eaters of opium and hashish." Finally Dr. Dor said further, "that although Mlle. Jeanneret knew very well that her trouble was fictitious, she nevertheless demanded from him a treatment which consisted in a very painful operation, the burning of the back of the neck."

Dr. Goudet, who attended the accused when she lived at the Juvets', deposed that she was once or twice attacked with nervous paroxysms; she complained also of pain in the womb; but he did not find her character entirely hysterical; she seemed to him to like treatments rather than remedies themselves, and among these, those which gave her pain. He had no reason to think that these nervous attacks were counterfeited.

A great-grandmother of the accused was deranged during her time of pregnancy, and in the intervals her character had the greatest analogy to that of her great-granddaughter, with an unexampled kindness and sometimess ill-humor that amounted to malice. Her mother was very nervous. One of her great-aunts

was a hypochondriac and suicide, and the daughter of this woman was for a long time a hypochondriac and had to be constantly watched. Marie Jeanneret's maternal grandfather died suddenly under mysterious circumstances, and it was suspected that he committed suicide, for he was a hypochondriac. Finally, another near relative had been afflicted with hypochondria.

Discovered and imprisoned under the weight of such crushing accusations, and questioned as to the motives of her acts, she admitted having administered the poisonous substance, but with good intention, to calm or relieve the sick, or again to make medical experiments. Before her judges, the impassivity of Marie Jeanneret never contradicted itself; she spoke with as much coolness, calmness, and precision as if the affair concerned some other person. A single time, to a question of the presiding judge, she said weeping: "I was in the wrong, I forgot myself, I tried to give remedies that were not in the doctor's prescription, and that is my fault."

She insisted that she had never intended to give medicines for the sake of doing harm; she had only given them to persons already ill; the only two times that it had not been so, she made a mistake, but she had never thought that she should cause death with those things. When the presiding judge asked her "why she still continued, after seeing the result of

her doses in several persons," the accused replied that "she had always believed the remedies that she gave ought to do good, to calm the patient. It was only since she had been arrested that she had begun to think otherwise." Marie Jeanneret may or may not have stolen the ring referred to. There was no evidence that she stole it and she made no attempt to conceal it. Otherwise there was no criminal motive suspected in her act beyond her hatred of people, her wish to try experiments, as she said, and the morbid pleasure she got from them. It was thought that she took up nursing in order to have opportunity for her crimes, and she had to move about frequently from one place to another for new fields of work, because of her evident unfitness for such responsible duties.

Pleasure and intoxication or some kind of gratified feeling were the key and the clue to her criminal acts. Greed took no part in them, and the court held that her evidently defective mental condition and her low moral standard and capacities were not such as to separate her from the criminal class for a place among the insane.

Marie Jeanneret was convicted of murder and sentenced to twenty years in prison at hard labor. Six months after her conviction no change had been observed in her condition and appearance and she died before the expiration of her sentence.

When she was tried, thirty offences were punishable by death under the French law. But jurors so often and so freely exercised their power of mitigating sentences that the death penalty was actually inflicted in less than one eighth of the cases where it was permissible under the statutes; and less than a life sentence to imprisonment was not uncommon for murder, under certain circumstances and conditions.

These crimes naturally suggest the case of Jesse Pomeroy, which I reported at length in the Boston *Medical and Surgical Journal*, taking the ground that he was responsible.

He early took pleasure in tormenting small children and finally tortured six boys with such cruelty that he was sent to the Lyman School at Westboro, a reform school for boys, for the term of his minority. He cut them with a point of a knife blade, stuck pins into them, and beat them with a rope.

At the school he was bright and capable in some ways and quite clever with his hands, and he behaved so well that he was discharged a few years before his sentence expired, for good conduct. At the same time he was thought to be not altogether to be depended upon. He had that lack of stability and symmetry in his mental development that is so characteristic of the degenerate if the individual is on a descending scale for his heredity, or simply of a

low moral and mental plane if he is not below his family level.

In the autumn of the year in which he was discharged from the reform school, 1874, he cut two children in various parts of the body so that they died as a result of his cruelty. At his trial Drs. Walker and Tyler testified that they regarded him as insane, and Dr. Choate that he was responsible.

He was convicted of murder in the first degree and sentenced to be hanged. The attorney-general was strenuous that the sentence should be carried out, Dr. Tyler persistently urged the governor that the prisoner be treated as an insane person, and there was undoubtedly a certain feeling with some of the community against hanging a youth not over eighteen even for such murders as shocked and terrified them. At that time, the governors of this state appointed the date of hanging to carry out the sentence of the courts, and that was naturally a duty which governors avoided when they could.

During the discussion, Sir John Bucknill, then regarded, perhaps, as the leading authority on the medical jurisprudence of insanity, happened to be in Boston and was asked by Governor Gaston to investigate the case together with Dr. Edward H. Clarke. They wrote their opinions on separate pieces of paper so that neither one should influence the other.

One opinion was, "sane and responsible"; the other "sane enough to be responsible." More than a year after his sentence it was commuted to imprisonment for life in solitary confinement. In prison, Pomeroy was for a while inclined to be insubordinate, but soon learned to behave properly after punishment. No material change has taken place in his condition, and the certainty of the full penalty for infraction of the rules of the prison has kept him well behaved for twenty-eight years, excepting, of course, his occasional cleverly conceived attempts at escape, which naturally is a temptation strong enough for incurring any risk.

The so-called slugger Perry, with regard to whom the evidence seemed conclusive that he had killed six women on their way home alone late in the evening in secluded places for the small amount of money and valuables that they might have with them, was of a similar general mental and moral makeup with Pomeroy, and the two were of about the same age when they were arrested for murder. Perry, too, had been sentenced to the Lyman school for two periods of his minority, had been discharged for good conduct before his time was up, and was also thought to be not fully to be depended upon. He had been arrested for snatching a pocketbook from a woman, and he repeated the crime after he had been set free on probation, an offence for which he was sent back to the

reform school. He was again discharged on probation. The crimes for which he was later indicted were simply a continuance and expansion of his earlier criminal acts.

Pomeroy's crimes were commited directly for the pleasure he took in them, Perry's indirectly for his pleasure, in order to get the money for it. Judging from their general mental and moral standard, the two seemed about equally responsible. Perry's death in jail while waiting trial was fortunate for him and probably saved the courts and the community some trouble in deciding what to do with a murderer of eighteen, under our present laws for punishing murder in the first degree, and with a history like Pomeroy's as a juvenile offender.

Except for a different kind of criminal motive the assassin of President Lincoln should be placed in this class of criminals, the advantage, in his case, of belonging to a distinguished family being more than counterbalanced by the habit of chronic alcoholism. Czolgolz, also, who killed President McKinley, if I understand correctly the leading government expert evidence in the case, was a still more striking illustration of the type. Guiteau, again, was not only another of the kind, but he had, added to his ordinary condition, a more recent state of mental and physical hyperactivity and instability, which suggested to me as one of

the physicians who examined him a form of paresis, with slow prodromal symptoms, such as has been described by Christian. This diagnosis was made probable by a progressive incurable meningo-encephalitis found at the autopsy, a condition which complicated the question of Guiteau's responsibility and perhaps placed the case out of the category of those which we have been considering.

Of course, the most common crimes committed by grown-up boys and men of the mental and moral type just described is the rape of struggling, resisting virgins for the greater pleasure in the enforced act.

In all of these cases, there was no question as to their criminal motives and there could be no doubt of a low mental and moral type, which indicated to probably the most of the experts a certain amount of defect, disorder, disarrangement or derangement of the mind — and in Guiteau's case perhaps also of actual recognizable brain disease — all that was agreed to.

The real question at issue was, in each case, whether there was any mental quality or lack of quality which inhibited a reasonable self-control and which was due to brain defect or disease of the mind.

Authority and precedent, which at least among English-speaking people aim to voice the common law and common sense, in the main have held such

people responsible for their criminal motives and acts; and they are supported thus far by the predominating weight of expert medical opinion, although individual views differ regarding them. There is another class of individuals, of which I will report some cases at a future time, in whom there is no evidence of irresponsibility outside of their criminal acts, and none indicated or suspected before them, where the question of insanity lies in the answer to the inquiry whether or how far there is in the crimes themselves inherent evidence of mental unsoundness.

This evening, I have at least attempted to confine myself to facts, and shall reserve for some future occasion a discussion of the many legal, ethical, and medical points which might be suggested by my paper. I should like to propose for the Society's consideration an amendment to our laws so that the punishment for murder in the first degree shall be death or imprisonment for life, at the discretion and judgment of the jury, with such instructions as the courts may give them — thereby following the precedent of the recent change in the United States law, even if not quite attaining to the admirable provisions of the French code.

If we could at the same time eliminate from our nosology and more particularly from our jurisprudence the term moral insanity, we should confer a boon on

the medical profession and the world at large like that which came from abolishing Jonathan Edwards' original sin.

Of course, it was not many thousand years ago that all men were criminals, according to our present standard. Crime, to quote Anatole France, was the nurse of the human race; it fed and covered and housed them. Some of us, through centuries of breeding, have outgrown the grosser forms of crime, but the criminal instinct is well-nigh universal. If we sound deep enough, said our greatest American poet, we come to the mud of human nature; and if it were not for established laws and the force of public opinion and our own incessant and watchful efforts to be decent, our temptations and opportunities would be running riot with what we call our morals. Let the best of us once begin yielding to our lower impulses, and let us keep on and escape detection long enough, and the merest tyro could cast our horoscope.

What can organized society do in the matter for its safety, or even its very existence, but first and foremost maintain a high standard of responsibility and at least keep its own head sane?

THE CASE OF CHRISTIANA EDMUNDS

In the paper which I read before this Society [1] in November, 1904, the cases then reported belong primarily under Kraepelin's classification of moral imbecility and consist in obvious brain defect, for the most part congenital but sometimes developed in early childhood or infancy, in which the intellectual deterioration, although not so conspicuous as the moral obliquity, is quite manifest even when needing time and practice on the part of the physician to point out its full significance.

The moral imbeciles, under Kraepelin's definition, comprise at least three fourths of the population of our prisons if we include degenerates and alcoholics. Like Bishop Berkeley's depravity or Jonathan Edwards's original sin, Kraepelin's moral imbecility so-called is not accepted by the authorities in mental disease as necessarily involving irresponsibility, and opinions differ as to the best way to deal with people of weak morals and mentals when they commit crime. For such of them as are definitely insane this term moral insanity is used for want of a better expression,

[1] The Boston Society of Psychiatry and Neurology.

although there is often disagreement as to the particular cases to which that definition should apply. The abolition of the death penalty would doubtless simplify the disposition of such mental and moral imbeciles as violate the laws.

Many of the defectives are subject to periods of excitement or depression, which may complicate or simplify the question of their accountability for their actions. But their conduct is in varying degrees under their control, they are for the most part amenable to prompt and sure rewards and punishments and they chiefly constitute the criminal class.

Moral imbecility is favorite soil for the growth of paranoia and others of the destructive psychoses, as happened with Guiteau and Marie Jeanneret. Sometimes, too, what are ordinarily false beliefs assume in imbeciles the force of insane delusions, many of which are concealed or overlooked.

Not infrequently when the mental weakness is chiefly and markedly intellectual, the conduct may be quite exemplary, until some strong emotion or passion unhinges the unstable equilibrium, as was the case with Miss Christiana Edmunds.

Miss Edmunds was the daughter of an architect. Her grandfather was a major in the English Army. She was vain, silly, and obviously weak-minded, as was readily seen and generally known. Moral per-

version or depravity was not reported of her previous to her love affair and the crimes which were the outgrowth of it when at the age of forty-two she was tried and acquitted of the charge of poisoning the wife of a physician, with whom she was in love. The following year she poisoned confectionery, thereby rendering a number of people ill and killing one.

She bought some bon-bons, put arsenic in them, and then sent them back to the shop to be exchanged for another kind. Her young messenger ate some on the way with deadly result — the only fatal case. Miss Edmunds's motive for this crime was to fix the guilt on the confectioner for selling poisoned confectionery and to free herself from the imputation, which still clung to her in spite of her acquittal, of having tried to kill the woman whom she wished out of her way.

When she was convicted of murder and sentenced to be hanged, after her second trial, she, an unmarried lady of good social position, insisted to the court that she was pregnant. But a jury of matrons with the advice of a physician, as provided by the laws of England, declared her not to be so.

The judge had charged the jury that Miss Edmunds was evidently of weak mind, but intimated that she was not enough so to be irresponsible. All the physicians who testified, on the other hand, insisted that

her motions, her acts, and her reasoning were the outcome of so unsound a mind as to constitute insanity.

Her sentence was commuted by the Secretary of State for Home Affairs and she was placed in the Criminal Lunatic Asylum at Broadmoor. Dr. Nicolson, now Lord Chancellor's Visitor, and long superintendent at Broadmoor, said that she was, in 1905, just the same as she had been all the time she was there; and the present superintendent, Dr. Brays, writes that since she has been under his care her condition has been one simply of mental enfeeblement. Dr. Savage, who happened to be in Brighton at the time of her trial, said that she would have certainly struck even the non-alienist as being weak-minded. She did not occupy herself about things of interest in the asylum and used to do such childish acts as collect dust from the bricks of her cell to redden her lips and cheeks.

The late Dr. Orange, after whose advice and opinion her sentence was commuted, is quoted by Blandford as having said of her, "She formerly had periods of depression alternating with periods of subacute mania, but latterly her condition has been more equable."

Like Marie Jeanneret, but quite unlike Mrs. Robinson and Miss Toppan, she was evidently a woman of marked and manifest congenital or early mental defect, in addition to which Dr. Orange's statement

suggests that characteristic impairment and instability of mind which belongs to *folie circulaire*. In this connection, it is interesting to note that Ray describes circular insanity as moral mania.

The cases of Sarah Jane Robinson and Jane Toppan are quite in a different category. There was not in either of them any evidence of that marked mental disorganization which was so conspicuous in Guiteau, Marie Jeanneret, and Christiana Edmunds or of the low grade of mind of Pomeroy, Perry, and the gross sexual pervert Tucker, so that the question of their responsibility is not at all the same.

CASE OF SARAH JANE ROBINSON

About twenty years ago, Mrs. Robinson was indicted for six murders, and at her first trial the jury disagreed. She declined to have the plea of insanity considered and denied all the accusations against her. She was examined by an expert, however, and pronounced insane. When she was tried a second time she was convicted of murder in the first degree and her sentence to be hanged was commuted to solitary (separate, rather) confinement for life.

She belonged, like Jane Toppan, to an Irish family, and she immigrated to this country in her girlhood. As a competent seamstress, she was employed by many families, one of whom knew her in that capacity for twenty-five years. She was considered a trustworthy woman, a good wife and mother. She was a member of a Congregational Church. I have not been able to learn, with careful inquiry, that there was anything known against her character before her crimes were found out, or that her mind showed any deviation from that of an every-day sort of a woman, although a clever, intelligent one. Like Miss Toppan, she had an unusual power of inspiring confidence.

Like her, too, she was overburdened with debts which she could not pay and she had mortgaged her furniture twice under different names. She lied about the disposition of her money. I have not been able to ascertain what her family history was, or how she behaved as a young girl.

The evidence seemed conclusive of the following facts: —

In 1881 she killed her landlord with arsenic. Late in 1884 she murdered in the same way her sister, her sister's husband and their only child — possibly also another child who died in early years. She had first persuaded this brother-in-law to alter his life insurance so that she came into possession of its two thousand dollars.

With this money, Mrs. Robinson paid some debts and got insurance policies on the lives of her husband and their son and daughter. Early in 1885 she killed the three, also with arsenic. She had employed different physicians in these cases, so that murder was not suspected until the medical examiner to the fraternity where the insurance policies were issued felt sure that something must be wrong on account of the large number of deaths connected with the beneficiary of the insurances.

She murdered in cold blood, after mature deliberation and cool planning, in so painful a way as by

arsenic, her nearest and best friends, those closest to her by the ties of marriage and kinship, her own flesh and blood, for the uncertain chance of a few dollars, as apparently her sole motive.

She kept the portraits of her victims always with her in jail and put upon them the flowers that were sent to her. For more than twenty years, up to the time of her death, she maintained an air of placid innocence without ever a word or sign of compunction or remorse. Friends believed her excellent behavior incompatible with guilt of the crimes attributed to her. Her mental condition, to all appearance, remained sound and unchanged during her twenty years' imprisonment. About two years before her death she made unsuccessful efforts towards a pardon, on the ground that she had been unjustly sentenced.

When she was told that death was imminent, in January, 1906, she made full and detailed arrangements for her funeral, said that she was glad to go to join her loved ones and requested an autopsy for three reasons, to show that she had not poisoned herself, to prove that she was not insane, and for such information as the doctors might get from it. She confessed nothing.

Mrs. Robinson's case was reported and officially published in detail, so that the facts are available for those wishing to study them.

CASE OF JANE TOPPAN

When Miss Toppan was tried, the jury was not given the history of her crimes except in meager outline, and they did not have an opportunity of learning the ground on which the experts based their theory of insanity. The report of the experts has been regarded as confidential and the facts which seem to me necessary in order to form an opinion as to Miss Toppan's responsibility have not yet been made available even to the medical profession.

The story is worth a record. It constitutes an exceedingly interesting and instructive psychological study, with opportunities for investigation rarely equaled, as Miss Toppan's life was passed among exceptionally honest, intelligent, and observant people, largely with our leading families and prominent physicians, who have been ready to give to the inquiry all the assistance in their power.

Moreover, it will be profitable to formulate with some degree of precision at least in our own minds just what we mean by moral insanity. It seems to me a fair statement, that of all the many people who knew Miss Toppan there was not one who, before her





PORTRAITS OF JANE TOPPAN

crimes became known, had the least thought of her being in any form or degree insane or a degenerate, defective, mental or moral imbecile, or poetically speaking, even a deviate. Such being the case, it is suitable and proper, in trying to estimate her responsibility, to first study her crimes.

On June 27th, 1901, Mrs. S. went from the seashore to try again to collect a debt of several hundred dollars from a trained nurse, who had never been registered in the Directory for Nurses.

In 1864, this nurse, Jane Toppan, was taken from the Boston Female Asylum for destitute girls, where she had been for twenty months, an Irish waif of the lowest class, seven years old. She was brought up by a respectable family, whose name was given her.

The money due Mrs. S. was for five summers' rent of her cottage at the shore near her own home. I have not been able to ascertain how much this amounted to. The usual rent of the house was $250 for the summer. Miss Toppan said that the price to her was less than that. The amount which Miss Toppan owed Mrs. S. was probably not over $450 and not less than $250. Hurrying to the railroad station Mrs. S. had a bad fall — a woman over sixty, and not in good health — so that a friend took pains to ask her, in the train, if she were seriously hurt. Upon learning the reason for her journey, he urged her to insist

upon getting her money. She had written to a lawyer regarding an alleged legacy which Miss Toppan claimed would revert to her upon the death of the son-in-law of the people who brought her up, then well along in years, whose wife, their only child, died without issue; and the fact of Mrs. S. having so written was believed to be known to Miss Toppan.

On arriving at her destination Mrs. S. went at once to a house which Miss Toppan had left only a few days before. Miss Toppan had been there as nurse for five months — more than twenty-one weeks — in the house of most highly trained and critical people, and being well known to the family was especially sought after for the place. One hundred dollars were still due her on her five months' service. In 1893 Miss Toppan had taken care of a gentleman there through a long illness from typhoid fever, and the family could not see any difference in her mental bearing in the eight years interval.

Mrs. S. stated the object of her visit and asked to have the one hundred dollars held back in case Miss Toppan did not pay what she owed. She then went to see Miss Toppan and it is clear that she was determined to get her money, although exactly what passed between the two women will never be known, any more than the conversation between Webster and Parkman under similar circumstances.

After dining with Miss Toppan where she boarded, Mrs. S. became ill and drowsy, so that it was impossible for her to return home the same afternoon, as she had intended. Her symptoms grew better and worse by turns for a week. Miss Toppan wished to keep Mrs. S. in a room then vacant in the house and would not have a physician sent for until the family insisted that the patient should be taken to the hospital and have proper care. It was finally agreed that she should go to a neighboring house where Miss Toppan had previously lived and was well known.

A physician selected by Miss Toppan was sent for. As he was away, she consented to have any other called excepting two who had expressed distrust of her. The emergency was considered so immediate that four physicians were summoned before one was found who could come at once. Miss Toppan told him that Mrs. S. had diabetes and that she had eaten unsuitable food. The urine, whether sophisticated, as intimated, or not, was found to contain sugar, the drowsiness deepened and another nurse was sent for by Miss Toppan to help her. Mrs. N., the daughter of Mrs. S., came to stay with her mother, and Mr. S. came several times. They were naturally told that the outlook was grave.

With the after-light in the facts, it seems clear that for eight days Miss Toppan gave atropia and mor-

phia in such doses, at such intervals day or night, and in such combination as to simulate diabetic coma, without arousing the suspicions of the family, the household, the second nurse, or the physician of great skill and experience who was in daily attendance, and who also had taken care of one of Mrs. Robinson's victims.

On the eighth day, July 4th, Miss Toppan killed Mrs. S. She got her pocketbook, in which she naturally expected to find the note on which something had been paid, leaving some money still due, and she stole her gold watch, which was afterwards recovered. If there was any considerable amount of money in the pocketbook, that disappeared also. When asked what had become of Mrs. S.'s money, Miss Toppan replied that it had been taken care of and put in the safe or bank. That was the last heard of it.

None of Mrs. S.'s family now living knew how much money she had with her. Miss Toppan told one of her friends that it was several hundred dollars, but she may have been lying. Mrs. S. was in the habit of carrying considerable sums of money in her pocket.

A day or two after Miss Toppan had taken the body of Mrs. S. home, she hurriedly threw her chatelaine bag down, when it flew open and showed a bunch of bank bills shoved in at the top.

The gentleman who held back one hundred dollars of Miss Toppan's wages in Mrs. S.'s interest had recently learned that Miss Toppan had stolen money. He believed that the circumstances of Mrs. S.'s death and the evident criminal motive indicated that a crime had been committed and that there should be an autopsy. It was on Sunday morning that he learned that the death certificate had been signed and that a permit had been given for the removal of the body. He telephoned to the medical examiner, who was his family physician, and who was passing the day at the seashore, to return at once on urgent business, as he did, and consulted the health office at City Hall to learn the facts in the case. He then conferred with the attending physician. They felt sure that there was no ground for suspecting murder, and Jane Toppan remained master of the situation, as usual.

During the previous fourteen years, Miss Toppan had stolen hundreds of dollars. She had had for nine years since she left the Cambridge hospital in 1892 steady employment at high wages, her ordinary expenses of living were moderate and she had no one but herself to provide for. She was, on occasions, extravagant in her generosity to friends. She owed considerably more than two thousand dollars, and she had tried hard with two gentlemen to borrow a

few hundred more of each, beside an additional two thousand from a generous friend.

As regards the use that she made of so much that she had earned and borrowed and stolen, and her purpose in being so eager to borrow or so ready to steal more, in small sums or great, I have heard only two suggestions. She was exceedingly reticent about her affairs, but said to an intimate friend that she had invested in railroad and electric securities, and "who knows," she added, "but I may make a fortune," — a fact which led to the surmise that she might be speculating in the stock market.

The second guess, that she might be lavishing money on a lover, was quite in consonance with her character. To the question what she had done with all her money she laughingly replied, "No one can say that I spent it on clothes."

When she was arrested, she insisted that she had no money to pay for her defense. Her creditors could not find that she had any assets. She carried very little money about her ordinarily, sometimes not even a trolley fare.

While murdering Mrs. S. and afterwards, Miss Toppan was cool, calm, clear, collected, with perfect self-possession, faultless judgment, entire self-control, with untiring devotion to her patient and most tender care of her throughout, noting every detail, watching

every movement to see that she was not suspected, patient, perservering, persistent. She had done her work so skillfully that she escaped detection, or even suspicion, at the hands of people who had known her well and trusted her for years. She received from the family only commendation and grateful thanks.

In the private house where Miss Toppan took Mrs. S. to dine and gave her the first dose of poison, she had had a room for three years and boarded there in the short intervals when she was not busy.

After she had engaged her room, she learned that the wife of the house, Mrs. E., had been told that she had stolen money while at the Cambridge Hospital six years earlier. Jane Toppan at once had a plain talk about it, saying that of course she would not do such a thing. Mr. E., the husband, a typical shrewd, clear-headed New Englander, was careful to remark in Miss Toppan's presence that he kept a list of his silver and counted it occasionally to see that it was all there.

She was on her good behavior in that house, and for the full three years with a few exceptions, all of which I shall note, she behaved perfectly well. She was fond of telling embellished stories, and Mrs. E. thought that she lied at times, but perhaps not more than is not uncommon. In her tales Mr. E. could not always be positive whether she was telling the

truth, and was sometimes pretty sure that she was lying.

She was an amiable, attractive, kind, considerate member of the household, always willing and able to entertain agreeably the family and their friends, never making trouble or demands for herself, and ever ready to do a kind deed. She was always neat, taking a bath once a day, often twice, often careless about the fit and style or arrangement of her clothes, which, however, were clean. She was universally liked by the people who came to the house and was absolutely abstemious there as regards alcohol in all forms, so far as was known, although indulging her fondness for beer elsewhere. She drank very strong coffee immoderately. She seemed thoroughly moral and virtuous, never coarse or even common in word or act, although she told broad stories, and was immodest immoral, or vulgar in her talk at times when she was not in positions likely to endanger her reputation. She lied to embellish her tales, to cover her misdeeds, to exaggerate her usefulness or virtues, or to carry her point.

In 1888–1889 Miss Toppan was under my care for severe headaches. She was for nearly a week in a private hospital. She came to my office also for examination of her eyes with the ophthalmoscope. Cerebral tumors were very much in the air at that

time and I examined her repeatedly with care, so that I had a very fair opportunity to form an opinion of her condition, mental and otherwise, at that time. In the training-school she used to shut herself up in her room when she felt ill, and when asked her reasons for taking to her bed she quoted my advice. I have not been able to learn that her headaches interfered with her work after she left the hospital, and so am inclined to guess that she relieved them with opiates and in that manner acquired the morphine habit. How far she used the drug only on occasions and how far continuously, of course, is a question which cannot at present be answered. Unfortunately that matter was not determined while she was under continuous medical supervision at the insane asylum.

It was characteristic of her that she gave her landlady a present of a handsome nurses' dressing-case, after she had paid her bill for care and board. At that time she was a capable, comfortable, vivacious, intelligent woman of generally good repute. In her then present state, with her reputation and with her available history, it would have been a perversion of terms to call her an imbecile of any kind.

She was not in the least degree religious, at that time, but, like Mrs. Robinson, she had joined the church (Baptist). She was always generous, ready to give away, or let a friend take and use her personal

belongings. But during these three years, and in this house, she was very careful not to use or take other people's property, with the three following possible exceptions.

A seamstress working in the house for Miss Toppan found one day in her pocket-book $2.25 less than she thought was there, and the same day Mrs. E. hurriedly put down a roll of bills on a desk, thinking that it was $5, and coming back to the room found $4. On another occasion Jane Toppan with her usual generosity had bought some cloth and was having the seamstress make a wrapper as a present for a sick woman whom she had seen at the Carney Hospital and a new white skirt of Mrs. E.s', suitable to wear with the wrapper, was taken from her closet in her absence from the house for a week. No one feels sure that anything was taken in either one of these three cases.

In February, 1901, five months before Jane Toppan murdered Mrs. S., Mr. and Mrs. E. went away for their health, and during their long absence she did not steal anything, small or great, or commit any ascertained impropriety of any kind.

The servant in the house had had some experience in nursing, and was thought by the family to be able to look after them in ordinary illness. Miss Toppan was an autocrat in that way, never allowed any interference with what she considered her prerog-

ative, and was believed to wish the servant out of the house.

One day she reported her as being drunk and as having been drinking the family's whisky for three days. She took Mrs. E. to her room and showed her how limp her arms were and how stupid she was. She got a carriage and took the servant to a neighboring house, saying that she was too ill to attend to her work. Coming home, she reported her as being dead drunk and said that hack driver had to help her while she vomited out of the cab door. She told Mrs. E. not to say anything about the servant's being drunk, as the accusation might bring disagreeable complications after she became sober.

Later investigation proved that the woman had everywhere an excellent reputation, and careful questioning of her, after Jane Toppan's arrest, made it clear that she had been given some narcotic poison.

When all this happened, Mrs. E. was confined to her room, a convalescent from pneumonia, and her husband was in bed with what his physician called ptomaine poisoning, but afterwards reported as very likely the result of a drug or drugs. The symptoms were of violent gastro-intestinal irritation, not of opiates. His illness was opportune for Jane Toppan's purpose. She took control of the household, to Mrs. E.'s relief, and paid and discharged the servant. To

Mrs. E.'s remonstrance that the servant was too ill to be taken away, Miss Toppan had replied that after some cups of strong coffee she could go perfectly well, and that they could not keep her there.

Miss Toppan was clever enough to wait for a suggestion from Mrs. E., and then at her request engaged the new servant.

One of Mrs. S.'s daughters had married an old schoolmate of Miss Toppan's, and his sister was also a schoolmate and one of her most intimate friends. They called each other by their first names and the children addressed her as Aunt Jane. They all liked and respected and trusted Miss Toppan.

I had known Mrs. S. and her husband for about twenty years. She was a kindly, hard-working woman, affectionately devoted to her children, conscientious and upright, a type of the old New England stock that have lived in small towns and had their training in the public schools. They occupied a large house which they formerly used as a small hotel.

Miss Toppan, with the householder in whose home a room had been got for Mrs. S. while she was being poisoned, took the body to the seashore. After the funeral Mr. S.'s daughter from Chicago remained with him, and his other married daughter, Mrs. B., living near by, closed her house and with her two small children also came to him. Miss Toppan was

asked to remain and make them a visit. She was kind, capable, and helpful, cheerful and comforting and thoroughly trusted, with pleasing voice and pleasant manners. She was never sick or introspective, never complaining or imagining that things were the matter with her. To all appearances she had an uncommonly healthy mind, of even temperament, without moods. She had a quick, keen sense of humor, an exquisitely alert appreciation of the ridiculous, unsparing and relentless in trying to fool people with whom she was at odds. She was an inveterate practical joker and had an irrepressible ever-present Irish love of fun. She was full of the generous impulses that, especially in her race, are sometimes found in women, like her, of essentially selfish natures. She possessed an untiring and cheerful readiness to do a good turn for others. Her part of the work for the family was to provide and look after the food and table. She thus had constant easy opportunities for poisoning people, of which she did not avail herself.

Very soon after her arrival at the seashore she appeared one evening about dusk at the house of a Boston business man who was a summer resident there, on whose family she was not in the habit of calling. As he came to the door, he saw smoke coming from the ell of a near-by house, at which Miss Toppan expressed great surprise. The two rushed for help,

and, as there happened to be an unusual number of men at home, the fire was put out without serious damage except to the ell. Her call and appearance of surprise are thought to have been for the purpose of diverting suspicion in case any one had happened to see her in that vicinity.

The house was the one on which she owed something for rent. She had claimed to Mr. M., who married the daughter of the people who brought her up, that she had bought this house and partly paid for it, and that the former owner was pressing her for the final payments — a lie throughout. She asked him for the money to meet these demands, which he finally gave her in two notes, one for $800 and the other for $600, without any more security than her own personal promise to pay. She said that she would give him a deed of the house, if he wished, but knowing her and her reputation from earliest years he trusted absolutely her word and did not require the deed. He was a man of affairs, occupying a position of responsibility and also deacon in his church.

Time was passing without payment of either interest or principal on Miss Toppan's notes, and if inquiries were made, or if the deed of the house which she had promised were called for, her whole tissue of lies would fall to the ground.

If she could burn up the house, there was no insur-

ance to come to her, Mr. M. would think that she had lost all the money that she had put into it, and the debt to him would be wiped out — that is, if he followed his usual way of accepting her word as truth without any reserve.

It was a daring feat to attempt, but in that same house she had formerly scored one of her most brilliant successes, when Mr. M.'s wife was there in the summer of 1899 for rest and change. She went to bed one Saturday night perfectly well. When she was called for breakfast the next morning, Miss Toppan was in her room and said that Mrs. M. was too sick to come down. Later in the day she telegraphed Mr. M. that his wife was dangerously ill and he arrived by the first available train Monday morning. Early the next day, Tuesday, August 29, Mrs. M. died, and the physician certified that the cause of death was apoplexy.

Mrs. M., the only child of the people who had brought Miss Toppan up, had made a will leaving her a legacy of $200. Miss Toppan had said that the legacy would be much larger and there is reason for thinking that she believed so. Mrs. M.'s pocketbook contained $5 when her husband found it. He asked Jane Toppan what could have become of the remaining money, about $50, which he knew had been there and she said that, so far as she knew, his wife

had only the money which was found. He believed that she was telling the truth.

Jane Toppan said that Mrs. M. wanted her to have her gold watch and chain as a keepsake, and the husband, not having the least idea of questioning her truthfulness in the matter, readily gave them to her. She afterwards pawned both. The pawn tickets, after her arrest, were found among her possessions with time limit long overdue; and with it there were other pawn tickets. Mrs. M. had also a valuable breastpin which could not be found until later, when it was discovered in the pocket of one of her dresses, a fact which led her family to wondering how and why it got there. The incentive to crime in this case was a considerable legacy, a gold watch and chain, between forty and fifty dollars in money, and very likely a costly brooch.

Miss Toppan spent four summers in the cottage where this murder and robbery took place, living there with her friend's family and occasional visitors. She often provided the food and sometimes cooked it, but always had access to it. Any day or night she might have easily poisoned one person or several through their food or beer or tea or coffee or drinking water or mineral waters. During one summer she had charge of the mess for the Biological Laboratory at Wood's Hole. There she also had constantly tempting chances to kill people. In both places she

abstained from any further poisoning than that of Mrs. M. She is not known to have had all these summers any motive for murdering any one else.

During the four summers in this house, with her friend Mrs. D., her only other misdeed, so far as is known, besides the murder and robbery of Mrs. M., was the probable theft of five dollars of which no one dreamed of suspecting her at the time. Long afterwards, she brought Mrs. D. five dollars and insisted that it was hers. They were puzzled at the time, but now think that Miss Toppan had stolen it, that she could not bear the thought of having stolen from her best friend, and so returned the money.

Some days after the fire in the cottage already described, a blaze was found where Miss Toppan was visiting, in a room in which the maid did her work, filling lamps, etc. It was in daylight when people were about, so that the fire could not have gained much headway before being discovered, as it was promptly, by the maid.

Miss Toppan was very helpful in putting the fire out, as was easily and readily done. She is now believed to have set it; but what her motive could have been can only be inferred from her character and previous conduct. She strongly disliked the maid and one suggestion was that she wanted to throw blame on her to get her out of the house. She could not

poison her and accuse her of being drunk, as she had done before, for the maid's reputation for sobriety had been well established in the family for years, and the most that one could lay at her door was carelessness. Another guess was that she wished to give evidence of her own efficiency, which she did. Among the people who gathered at the fire, of those who happened to be near by, was the gentleman already referred to, whose attention she called to the first fire. In his talk with Miss Toppan about the fire it was remarked that if a third occurred people would suspect that there was some one who set them.

The family discovered a third fire soon afterwards in the same place as the second and under similar circumstances. If Miss Toppan set it to feel her ground, to see whether she was in the gentleman's mind as being suspected, she learned that not the least suspicion was directed to her on the part of any one.

During Miss Toppan's stay at the seashore C., the little grandson of Mrs. S., lost six dollars which he had put away, and, to make it up, his father gave him five dollars and his mother two dollars. This was put in a child's savings bank, and the key was placed in a drawer, as was known to Jane Toppan. This seven dollars was taken by somebody. An analysis of the evidence in the case satisfied me that

Miss Toppan stole the seven dollars, and the inference is fair that she also took the six dollars.

After Mrs. S.'s murder, Miss Toppan rested from her poisonings for nearly a month. It was evident that thus far no one at the seashore suspected her of being guilty of fires or robbery or murder.

Mrs. S.'s daughter, Mrs. N., who was with her mother during her tragic illness and death, was much broken down. She was naturally very anxious, too, about her aged father, who was much shattered after three attacks of melancholia and especially since his wife's death. She was unhappy, and with her husband away she was lonely, depressed, and melancholic.

On one occasion she stated to her sister and her brother-in-law that she believed Miss Toppan to have been the cause of her mother's death, meaning indirectly and not at all in a criminal sense. Miss Toppan was in an adjoining room and might possibly have heard her. But none of the family misunderstood the remark, and Miss Toppan committed three more murders in the same household without arousing any suspicion of her guilt in that community. The first idea that she was a murderer, as far as I have been able to learn, arose in the minds of the people who knew the circumstances of the death of Mrs. S. It was from them that the notification came to the police. The criminal motive for Miss Toppan's

wanting Mrs. N. gone, which her husband's family thought the most potent, was because she was pressing Miss Toppan hard for the payment of the overdue rent which Miss Toppan had owed Mrs. N.'s mother, Mrs. S., for so long a time. Moreover, there were the tempting $50 which Mrs. N.'s husband had recently sent her, nearly or quite all of which Jane Toppan must have stolen. But how was one to kill a strong, apparently healthy, woman who was daily about her ordinary duties and had no signs of illness, although she was reported to have heart trouble. As usual Miss Toppan was equal to the occasion. She told Mrs. N.'s sister and sent word to her sister's husband, that her depression was so great as to cause serious anxiety, and that she had threatened to kill herself. It was a clever idea, as Mrs. N.'s father's attacks of melancholia had made his family familiar with suicidal impulses. Jane Toppan did not waste any time after these intimations from Mrs. N., who was taken ill one evening, was up once in the night, and was dead the next morning at five o'clock, July 31. Jane Toppan made the family believe that she killed herself with Paris green, a plenty of which was always in their shed, and the physician certified that her death was due to heart disease.

After murdering Mrs. N., Jane Toppan was quite devoted to the care of her child, as was entirely like her.

Early on the morning of August 9, Miss Toppan found Mr. S., whose wife and daughter she had poisoned, dead in his bed. What took her to his room? He appeared as well as usual up to bedtime the previous evening. The physician assigned apoplexy as the cause of death. Mr. S. was known to have had nearly $300 in his pocketbook, besides some notes of indebtedness, all of which had disappeared except $9.68. The family think, but do not know, that Miss Toppan's note, on which something was still due, was also stolen at the same time.

Mr. S. was nearly seventy years old and was in the unstable, irritable, enfeebled mental condition following his several attacks of melancholia. His family felt that his fortunate release from further suffering was something to be thankful for, and possibly Jane Toppan, at least in part, condoned her crime with that feeling. She did not hesitate to express to some of her friends her opinion that people helplessly and hopelessly wretched, or distressed, from age or disease or infirmity, had better have their paths to the grave made short and easy. Some of them agreed with her, as many people do. At all events, she had unquestionably killed a friend, on a former occasion, with a single large dose of morphine to relieve her from insufferable distress in a fatal illness, or else, as the family thought at the time and were glad

to have her do, she gave a fatal overdose by mistake.

It was on Friday morning that Miss Toppan found Mr. S. dead in his bed. His son-in-law, Mr. N., believed that she had stolen his notes and money, and felt sure that she had taken also the money of his own wife who died nine days before. On the following Sunday he urged Mr. S.'s surviving daughter, Mrs. B., to have a plain talk with Miss Toppan regarding the disappearance of her father's money and notes, which she did before night of the same day. The talk was meant to be a thoroughly plain one and it was undoubtedly such, although its precise character will never be known.

Jane Toppan acted as promptly as she did in murdering Mrs. B.'s sister. On the following day, Mrs. B. was as well as usual, about her ordinary duties, and she went out to drive. Something was the matter with her in the night and by nine o'clock the next morning she was in a profound stupor. Miss Toppan and the local physician worked over her during the day, giving injections, for which one or the other furnished the medicine. Mrs. B., usually not in good health, was of somewhat anxious temperament, but she had not any serious malady.

A consultation physician was called by the doctor, but not until Mrs. B. was moribund, when naturally

nothing could be done to help her or even to make a diagnosis.

She was comatose through the day, with twitching of the left side of the mouth and contraction and twitching of the left leg. She died at four o'clock the same afternoon and the physician certified to exhaustion as having been the cause of her death.

As soon as it was known that Mrs. B. was seriously ill, her brother-in-law, Mr. N., took possession of her valuables and money, which was generally considerable, so that Miss Toppan, whom he believed to be a thief, could not steal them.

After Mrs. B.'s death, Miss Toppan seemed to show excessive emotion, even more than after the other deaths, and she took especial care of the children. She took one of the children to bed with her, as was natural, while the mother was being poisoned. The mother and Jane Toppan slept in the same room, and after the mother's death Jane Toppan walked hand in hand with the boy to the post-office just as she often did. But otherwise, during these forty-eight days of four murders, she appeared entirely her natural self, and was as cool, calm, clear, collected, and free from apparent compunction or remorse, as Mrs. Robinson was during and after her murders, and as is usual with persons, especially with women, habituated to crime.

Mr. B. wanted an autopsy on his wife, but Jane Toppan told him that it would be of no value as she had been embalmed, and it never occurred to him to question her statement. When the physician, who lived at a distance, called, Jane Toppan evidently tried to prevent Mr. B. from having a personal talk with him, but he insisted upon his opportunity for a private conference and said that he could not understand how his wife could die of exhaustion and be out driving only the day before her death. He asked if her symptoms could not have been due to poison, thinking of her sister, whereupon the doctor jumped up and asked whom he suspected. The doctor went over in turn the symptoms of various poisons and said that such a thing was impossible.

After Mr. S.'s death a cousin of Mrs. B. went to the house and remained there a week, sleeping in the same room with Jane Toppan. There was no criminal incentive to her death and she was not molested in the least, but Jane Toppan tried and failed to find out from her what Mr. B.'s long talk with the doctor had been about.

Mr. B. took his two boys and went to his own house. From the necessities of his business he was rarely at home and then only for brief periods. Jane Toppan suggested to him that she should remain permanently in his family and look after his interests and his chil-

dren, of whom she seemed fond, and they were fond of her. His reply was that the plan would create scandal. He did not want her for other reasons. She told her friends that he urged her to take the place, but that she had declined it.

It will appear later that in February, 1900, Jane Toppan killed another woman, Mrs. R., in order to get her place, which she succeeded in getting, besides stealing her money; and it is quite possible that the desire for the comfort and independence of Mrs. B.'s home was at least part of her motive in murdering her.

The duty to which she succeeded in Cambridge by poisoning the incumbent of the place, a friend of hers, was the charge of the refectory of the Episcopal Theological School, where she provided for more than fourscore people daily during the rest of the academic year and until November 2d. To a woman with murderous obsessions fresh from killing Mrs. R., it was the opportunity of a lifetime. If she had any such insistent ideas or uncontrollable impulses she controlled them. She wanted to keep the place and she did her best. She set an excellent table, but had not business training or experience and was not economical. She lost her situation because eight months of it proved her unequal to its duties.

When she found that the position in the Theological

School, for which she had paid such a high price, was gone, she went home and, sobbing like a child, took to her bed quite broken up. It was well known that she wanted to get into a different sort of life than that of a nurse and that she liked housekeeping. Her business was getting more uncertain too, as more people knew about her stealing.

After the S. household was broken up, it was natural that Miss Toppan should want to leave the seashore, but she had nothing in the midsummer heat of August to call her. The thing for the criminal to do was to get away as soon as possible, while the friend of the family — the capacity in which she was there — would not be likely to hurry off. She sent word indirectly to Mr. M. at her old home to telegraph her to come to Lowell at once, which he did, and she started immediately. As Mr. B. bade her good-by, he thanked her for her many and great kindnesses to members of his family and gave her a present of a ten-dollar gold piece. On the way to Lowell she stopped in Cambridge to see an old friend who had known her from her girlhood, a college graduate and father of Mr. N., to whom I have several times referred in connection with these four seashore murders, as husband, brother-in-law, and son-in-law of the victims. She asked him how he could account for so many deaths in the S. family. The answer was that probably, as the family

was an old one, it was dying out. She learned that he had not heard any suggestion of possible crime on her part, and that he did not in the least suspect it. What better indications could she have had that her guilt had escaped discovery and that it would be safe for her to go on with her robbing and killing?

When the officers of the law were known to be on the track of these murders, Miss Toppan tried to kill herself, and made a second attempt after the first failed.

There was a visitor in the house at Lowell when Miss Toppan arrived, Mrs. J., a sister of Mr. M., said to have heart disease, who had so improved that she was getting ready to go to the Buffalo exposition. She naturally had money with her.

Miss Toppan evidently killed her quickly with poison, in which the symptoms of belladonna were prominent. While she was dying, the chief of the State Detective Force came to make inquiries about the seashore murders, ostensibly to implicate some one else. If he expected to catch a weak or even an ordinary woman off her guard, he missed his guess. She saw through his ruse, and was as cool, calm, clear, and collected as Mrs. Robinson under similar conditions, although at a disadvantage, compared with her questioner.

The first notification that it was thought that mur-

der had been done had come to the police from Cambridge. I have not been able to learn that any of the seashore people ever accused Miss Toppan of being a thief or that they had up to that time even suspected her of murder.

Miss Toppan did not suggest sending for a physician for Mrs. J., but her brother called one after the detective had gone. When Dr. —— came, the victim was at her last gasp. He had never seen her professionally before and took Miss Toppan's statement that her death was due to long-standing disease of the heart, after a sudden and severe attack of characteristic difficult breathing. The physician had known Miss Toppan for about ten years, although he had never employed her as a nurse and her reputation was familiar to him. He never thought of questioning her statement or of doubting her character, capability, and judgment. Mrs. J.'s empty pocketbook was finally found under some old photographs in a seldom-used drawer, to which Miss Toppan had easy access. The booty was only about $35 — much less than would be expected, as Mrs. J.'s brother had promised to make her a present of her traveling expenses both ways. There was thought to be still an additional motive for her murder in that Mrs. J. was naturally an heir of her brother, Mr. M., on whose estate Miss Toppan was believed to have designs, and said that

she had reasonable expectations. She knew that both Mr. and Mrs. M. believed and had said that it would have been fair if she had received a portion of the Toppan estate, all of which was left to Mrs. M.

Her lies were so ready and clever and plausible, so well remembered and so consistent, that a long time passed in each case before she was found out to be an unprincipled liar.

Her stealings were of money and of what she converted into money or put to some use, with the exception of a diamond ring, which she kept, but rarely showed. She resisted temptations to steal. No accumulation of her stolen articles, large or small, has ever been found. There was not a trace in her of instinctive thieving or kleptomania.

Later, I shall report six cases where it seems clear that Jane Toppan stole respectively sixty-five dollars, twenty dollars, twenty-two dollars in bills, with some silver, about twenty dollars, one hundred dollars, and a costly diamond ring in the first six years of her criminal career, before she had poisoned any one, so far as is known, and also one case where she stole about thirty-five dollars a few months before she was arrested with no motive for poisoning and without poisoning. Such, too, was the fact in the thefts of six dollars and seven dollars to which I have already referred.

These moneys were not in any one's immediate and personal possession and could be taken, as in fact happened in each case, without being missed at the time, so that there were no circumstances to point to any one in particular as the thief or to tempt the thief to murder. Even when these thefts were first discovered Miss Toppan was not the one suspected.

In the robberies with murder which I have reported to-night, the money was in the pocketbook and in the pocket of the person from whom it was stolen, so that it could not have been abstracted without being missed; and it would have been difficult, if not impossible, to steal it except in a way to compromise the thief. In some of the cases there were other reasons for poisoning the victims of the theft. Miss Toppan had learned how to kill people with a feeling of safety and without a degree of compunction and remorse that was greater than she could easily stand.

In the pleasure and excitement of crime Jane Toppan seemed to find the criminal's enjoyment of doing artistic work, to which danger appeared to add zest. She was eminently an artist in crime.

She gratified her never-failing Celtic love of fun in smaller matters in picturesque tales to a few intimates of how she fooled the doctors, in which clever lying and deceit were an essential part of the trick.

Not only was she devoid of the instinct or love of cruelty, but she seemed to try to avoid or alleviate suffering. She killed her victims, so far as was possible, in a way to minimize the pain to every one concerned. In that respect she seemed to be different from Mrs. Robinion, but possibly only from her wider knowledge of poisons.

One naturally asks what light is thrown upon Miss Toppan's character and conduct by her earlier life. A careful study of the causes that led to her downfall is a most interesting and profitable one. Her career naturally divides itself into two periods, the first up to the year 1887, when, so far as I have been able to learn, she committed her first crime (that of stealing sixty-five dollars) with fatal success, and secondly for the fourteen years after her criminal course had fairly begun.

She had many excellent, many lovable, qualities, which for a long time overpowered the evil, but her family qualities were not altogether in harmony with her environment. It was heredity perhaps that finally asserted itself and unfortunately met conditions favorable to its progress from bad to worse, the broader opportunities and larger temptations of well-to-do American life furnishing wider scope and freer range for what was bad in her ancestry. She was clearly the kind of a young woman who is reasonably safe

only under the moral restraint of the influences of a good home.

What may we learn of Jane Toppan from these facts?

1. We may exclude from consideration all forms of insanity of which a weak or weakened mind is an essential part. That she certainly had not.

2. There are no indications of insane delusions or hallucinations; and there was not any mental confusion.

3. Miss Toppan had an uncommonly even temperament without periods of unwonted mental and motor activity or depression.

4. The one feature common to all these crimes was a criminal motive; — not always as wide as a barn door or as deep as a well, but always enough.

5. As regards any other common factor in her crimes, there was nothing to indicate a prevailing sentiment or pathological condition of mind that I could discover, which could be called a symptom of any of the states of mental defect, degeneration, or disease. She had none of the stigmata of the degenerate, mental or physical. Her intellect was of such high order and so free from lack of symmetry as to exclude congenital or early intellectual defect. Ordinarily, and as I saw her a few months after she went to the hospital for the insane, she was quiet and at ease in conversation. She talked well. She held

her tongue well. She was a good listener and her answers were to the point. She read good books thoughtfully and, if aloud, pleasantly and well. There were no indications of a neuropathic organization or temperament or of any of the various types of hysteria. There were not any nervous motor activities. Her conception of right and wrong was not defective, as judged by her ordinary life and conversation. How far, or whether, her excessive use of strong coffee and the effects of morphine finally impaired her judgment, exalted her imagination, distorted her sense of proportion, or blunted such edge as her immorality and long list of crimes had left to her moral sense, is as difficult a question to answer as the doubt as to the effect of her time of life on her crimes, which were at their worst between the ages of forty-two to forty-four. Under the stimulation of morphine intoxication she was voluble, fluent, and delightfully exhilarated or hilarious and easily amused, as was easily recognized and unmistakable to the few persons who knew her and her habit. When she was arrested she had been addicted to the use of morphine for a number of years. Its consequences usually become more conspicuous as time goes on, and, I have no doubt, it contributed largely to the long and romantic stories which she told after her arrest. She was a tremendous worker; once, for instance, she took care of two cases

of typhoid fever at the same time. Of course, so clever a woman could get all the opiate she wanted and conceal it in jail, hospital, or elsewhere, so long as her money held out.

If there is any indication of an obsession or insistent idea, any imperative conception or uncontrollable impulse by virtue of which Miss Toppan did not, or could not, exert over her criminal acts that remarkable common sense, presence of mind, and self-control which were such conspicuous features in her relations to life generally, that evidence has not yet been forthcoming, and moral imbecility does not necessarily mean insanity. Like Catherine de Medici, whose character hers resembled in more ways than one, Miss Toppan was rather a woman without feelings than one with bad feelings. They both had no scruples in the means which they used to get their ends. Catherine sacrificed her own flesh and blood to her ambition as Mrs. Robinson murdered hers for money. Jane Toppan sacrificed friends to her lusts.

The facts already stated, so far as they go, are decidedly against what Kraepelin described as moral imbecility, but that question can be discussed to better advantage in connection with Miss Toppan's previous history.

Honora A. Kelly, which was Jane Toppan's orig-

inal name, was born in 1857 of the lower class of Irish immigrants to this country.

Her father was said to be like the most of his class. One sister became insane and another is reported to have joined that vast throng of unfortunate and immoral women which is daily recruited from such sources. A third sister, who kept a small shop in Boston, tried to get in touch with all of her family. She thought that Jane was annoyed to be sought out and found.

Jane was placed, with a sister two years older, in the Boston Female Asylum for Destitute Girls, on Washington Street, in February, 1863, and was taken from there at the age of seven in November, 1864, by a lady whose family name was given her, and whom she called Aunty Jane.

Jane was a pretty, attractive, clever, and exceedingly capable, but not precocious child. She was brought up with the fairly reasonable discipline of a kind family, in which the sparing of the rod was not allowed to spoil the child. But it was seldom that more than the fear of the rod was needed to make her behave. The rod was seldom used.

By the terms of the indenture she could have been returned to the asylum, if the arrangements proved at all unsatisfactory, at any time up to the age of eighteen, when she was free. She was never legally adopted.

At home she was told that she could not help being Irish, but that she need not be a "paddy." To the outside world she was known as an Italian child, and she looked like one, whose parents had died of ship fever on the voyage to this country. Whoever was responsible for the story, no one denied it, and from one point of view it was a huge joke. In telling the story later in her life, Jane used to go into convulsions of laughter over the humor of it, but it formed the atmosphere in which she grew up. Of course, a few people learned her full history in time.

She became one of the cleverest and most amusing of story-tellers, so that for an afternoon picnic, if Jane Toppan were there, it was not necessary to provide other entertainment. She was not an instinctive or insistent liar, and she had not yet become a persistent liar. Her friends say that it was only people who did not know her that were deceived by her, while they could depend upon her being truthful when she was serious and in earnest.

Jane reported herself at the Asylum at the required time, when she was eighteen, but she liked her home with friendly people who were prominent in church circles and respected generally. They, too, found her an agreeable, lively, useful member of the household, who gave little trouble, and they urged her to remain for eleven years more, as she did.

She went through the High School and graduated with credit, taking four years for a three years' course, as her opportunity to learn came later than those of the other pupils, and as she did not get hold of school books quickly or easily.

She fell into the discipline of the school, and was controlled without especial difficulty. She was not wayward or perverse, but easily corrigible. She was reasonably steady and industrious and not at all disposed to do any shirking. On one occasion, when sent from school for some alleged offense, she was very angry and refused, at the request of an old-time friend much her senior, to apologize to the teacher. But after thinking the matter over, as she asked her to do, she took to the teacher the letter of apology which the friend wrote for her, and placing it in the teacher's desk went to her seat in school without saying a word, as she had been advised, and so the whole matter was settled. This was a characteristic incident.

Jane Toppan was a popular girl, active as a member of a Congregational church and in the Sunday school, numbering among her friends the best girls in her class at the High School, with many of whom she retained a friendship in later life, holding their entire confidence.

In time, after her engagement to be married was broken off, she felt that she had not a satisfactory place

in the household. Conditions, always difficult in a way, had become impossible, and she never, from the first, had been altogether a menial in the family, nor, on the other hand, had she ever been considered as their equal. But she was more servant than lady, while in their social life outside they were all alike.

The family income, too, became very much reduced unexpectedly, and the relations betweeen the two younger women naturally became more and more strained as time went on, while the differences between them grew more and more frequent and trying.

She went out into the world, at the age of twenty-nine, without any definite occupation or means of earning a livelihood, and she had no inherited money or family traditions or position. Mrs. Toppan left her nothing in her will. But she was welcome to come back to the old home on visits as often as she wished and she always found a room and a welcome in the house to which she could return when not busy. Their relations remained friendly, the family were glad to see her, enjoying her visits, and she came to them freely and often.

Mrs. Toppan's daughter and her husband, Mr. M., both felt and had freely said that it would be fair for Jane to have some portion of the Toppan estate; and Mrs. M. in her will left Jane a legacy of two hundred dollars, giving to her husband the bulk of her inheri-

tance, on which Jane maintained that she had reasonable expectations. Later in her life she gave friends to understand that this expectation was a certainty.

Her old friends were very nice people, proud of their respectable New England ancestry. They say that Jane was an amiable, sweet-tempered girl, deeply sympathetic, full of fun, always ready for a joke, rather impatient, generous to a fault, kind, devoted, and loyal to her friends, and ever ready to do them a favor, audacious, unconventional in a way, but modest, virtuous, and refined, though now and then showing temper.

After leaving her home of twenty-two years, she went to a friend and lived there as a member of the family for a year, then to a relative of this friend for about six months. In both places her character was exemplary, her conduct seemed blameless and her great capability unquestioned. She was anxious to be independent and a place was secured for her, with excellent recommendations, as nurse in the Cambridge Hospital.

The evidence seems conclusive that while there she stole sixty-five dollars, belonging to the hospital. The opportunity was easy and the temptation strong, as she was short of clothes and presumably of money, but she was not suspected of the theft until more than three years later. Otherwise, her life and behavior

there were in all respects more than satisfactory, so that, when she desired a wider training, she was received with high testimonials, into the training-school for nurses at the Massachusetts General Hospital, going directly from the Cambridge Hospital. The superintendent of the training-school objected to taking her, because she knew about her low origin and did not think that class of persons equal to such important work. She was persuaded, however, by the number and high character of her recommendations to give her a trial. Under such scrutinizing Jane Toppan passed her probation as satisfactorily as she had gone through with her work at the Cambridge Hospital. At the Massachusetts General Hospital the patients, of whom she took most excellent care, were fond of her, her records and beds and all her work seemed always in good order. She was quick and ready in telling the staff what they wanted to know of the patients in their absence. When a head nurse was away temporarily, the superintendent of the training-school put Miss Toppan in the place. Most of the nurses disliked and some mistrusted her. She was critical of their work, often unfair, sometimes lying about them, apparently with the object of commending herself or of disparaging them. When off duty she was full of fun and jokes. Two head nurses in the training-school believed that on occasions she

had falsified her records and towards the end of her term the distrust of her extended, so that there was an opinion that she was slippery and not to be trusted. When her diploma was already signed, to be soon given to her, she left her ward without permission. As soon as she learned that her absence had been discovered and that the superientendent of nurses meant to report her, she left the hospital without waiting to be dismissed. It was only this one fault that stood between her and her diploma. She was, of course, discharged.

After she had gone, she was investigated and then suspected of being the thief who took various small sums of money that had disappeared from time to time. It was thought that she might have stolen an occasional small useful article like an apron that was missed. In this connection the fact should be borne in mind that thieving is not unknown in the training-schools. There were three other nurses in Jane Toppan's class who did much worse things than stealing aprons and at a number of other times more stealing was done in the hospital than while this class was there. Jane Toppan stole a diamond ring from a private patient, but was not suspected of that theft until some years later.

After a year of successful nursing in Lowell and Cambridge, she went to the Cambridge Hospital a

second time and as head nurse, her previous excellent record serving her a good turn. She said that she had her diploma from the Massachusetts General Hospital in due form. She remained at the Cambridge Hospital for more than a year. As nurse, she was the best artisan in the hospital. She presumed upon the strong position which she had with the trustees to do things for which the matron dismissed her. But she put her case so skillfully before the chairman of the board that the investigation resulted in her being reinstated. Naturally, in her self-confidence she defied the matron. She also stole twenty-two dollars and some change from her, and twenty dollars from the house officer. She falsified her temperature record on at least two occasions and was finally discharged for the assigned reason that the trustees had no longer confidence in her. I have been told that after leaving the security of home influences Miss Toppan found associates under whose temptation and example her character was ruined, although she maintained the semblance of virtue — a fact which finds confirmation from three sources.

For the following eight years, from 1892 well into 1900, she had the reputation of being the best nurse in Cambridge. She was eagerly sought after and was almost without exception very much in demand in families where she had once nursed. One of the most

experienced of the visiting surgeons of the hospital considered her the best nurse whom he had ever known to assist in severe operations. He said that she anticipated his wants. Another eminent member of the staff thought that she excelled in nursing fevers. When asked to undertake the care of a self-centered, self-willed invalid of Weir Mitchell's Octopia type, with whom every one else had failed, he thought that he might help her if she could have Miss Toppan as her nurse. Miss Toppan did straighten her out with consummate ability and tact, and later when a most difficult neurasthenic, psychasthenic, emaciated lady needed a nurse of most exceptional qualities, Miss Toppan's name was put at the head of the list by one of the most prominent Cambridge physicians after he had known her for years. To justify such opinions of her, she must have had rare insight and the capacity of sustained co-ordination of the higher intellectual qualities in an unusual degree, with a wide range to her power.

Some physicians preferred her, others would not send for her on account of her record at the hospital, but did not refuse to take care of patients who would have her; and she was kept busy in one of the most highly trained and critical communities in the country. Sometimes she was engaged before the doctor. The patients and their families were fond of her and deeply

grateful to her. One lady from whom she stole a hundred dollars said that she would not testify against her under any circumstances, because her family owed so much to her.

In 1899, immediately following her murder of Mrs. M., Miss Toppan applied for a position of responsibility, demanding intelligence, training, and good character. The people whose names she gave as references were written to for their confidential opinion of her.

By a strange accident, the six letters in reply were kept for five years and then placed in my hands. Three were from leading physicians and three from prominent families in Cambridge, some of whom had known her for a dozen years. All six letters represented long experience of her. One physician wrote that he preferred her for adults rather than for children. Otherwise, the six letters were of the highest and unqualified commendation in every regard. She got the place by unanimous vote, but did not accept it.

Later in the next year, 1900, she was discharged by a patient's wife — the first time that she had ever been sent away from a private patient, so far as I have been able to learn; and in 1901 her crimes became known.

She had been generally regarded by her patients as a person of especially sound common sense. After her arrest for murder, abundant money was freely offered to engage eminent counsel for her defense in

gratitude for what she had done as nurse. Her friends believed in her absolutely. Most of them had never heard of her thefts until towards the close of her career, or only after her arrest. They thought her a person to be depended upon. There had been no positive proof of any of her stealings and she escaped punishment for them from 1887 to 1901. During that time, fourteen years, she was never confronted with a direct accusation of robbery, so far as I can learn, or received actual punishment, inasmuch as after each of her three hospital experiences, her next position amounted to a virtual promotion rather than a degradation or punishment — from the Cambridge Hospital to the Massachusetts General, and from there back to the Cambridge Hospital as head nurse, then to eight years of such exceptional success in private families that few nurses were capable of taking and holding the place which she took and held, — all this as if she had been trained in a school for crime.

With the searchlight that has been thrown on her life since her arrest, I have not yet been able to learn of a single misdeed that can be laid to her in her early days, outside of her lies, which her friends and adopted family did not take too seriously. She had not the perverse and incorrigible traits of youthful defectives. At home she was not stubborn or wayward.

She showed none of the striking defects of character that suggest the reform school, or of the manifest mental weakness so conspicuous in Christiana Edmunds and Marie Jeanneret.

In time, especially after her arrest, most of the people who had had much to do with her came to the conclusion that what they had believed to be truth was on occasion falsehood. This was particularly true of the latter part of her career, when she had become involved in such an accumulated mass of fourteen years of undetected misdeeds that her frequent lies were quite necessary in order to maintain any appearance of virtue and truthfulness. Lying had then also become with her a habit.

Her every-day life had become a lie in that she not only concealed her race and origin, where they were not known, but talked against her people and their religion, and in that her associations were with people whom she constantly deceived as to her real character. Lies were so ready and clever and plausible, so well remembered and so consistent, that a considerable time passed in each case before she was found out to be an unprincipled liar. She was fond of gratifying her never-failing love of fun in picturesque tales to a few intimates of how she fooled the doctors.

In her year and a half with friends in a suburb, in her two services at the Cambridge Hospital and while

matron at the refectory, I have not been able to find that she stole anything but the three sums of money already mentioned. The same is true of her nine years of nursing in and near Cambridge, with the exceptions of money in five instances and of a new black silk dress. The fact that on a few occasions she brought home something valuable like a piece of silk, that a considerable number of her pawn tickets were found, led to the inference that she at times may have stolen elsewhere than from patients.

Her stealings were of money and of what she converted into money or put to some use, with the exception of a diamond ring which she kept in a friend's safe. I have not found any one who knew of her wearing it. She resisted unfavorable chances to steal. No accumulation of her stolen articles has ever been found.

I need not further mention or discuss the cases of Christiana Edmunds and Marie Jeanneret, which I have reported in some detail, two women of obviously unsound mind, and generally known to be such long before their crimes were committed, except to say that I do not believe that two cases can be found in medical literature or court records which better illustrate the conditions which have been misnamed moral insanity.

It is not difficult to hold the position that every one

is of unsound mind who is out of sympathy with the moral conceptions of his time, as Aristotle said twenty-three centuries ago: *Ἄδυνατον φρόνιμον εἶναι μὴ ὄντα ἄγαθον*,[1] of which a liberal translation is that depravity is of itself evidence of mental unsoundness. In a similar argument, I have heard the view maintained that extreme goodness may be an indication of defective brains by reason of the lack of judgment and wisdom that may go with it, to say nothing of its disposition to morbid views; and Lecky's History of European Morals has been quoted to show the vast amount of harm that has been done in the world by good people who followed their consciences without sense and reason. It is easy to argue, therefore, that criminal laws are made for people of unsound mind and that the sane will behave well without such laws. But responsibility in persons of weak morals or mentals is as much a matter of knowledge of humanity and common sense as of medical definitions, and the safety of the community depends upon not lowering its standard of behavior too far.

If the United States law prevailed in the several states by virtue of which the verdict for murder in the first degree may be death or life imprisonment, the criterions of responsibility could hardly be placed too high, even for what is termed moral insanity, in

[1] Nicom. Ethics, VI, 13.

the protection of society, and to further that high degree of accountability which every thoughtful person's experience satisfies him is best for the individual as well, besides being fully justified by its success in the various movements to reform criminals and juvenile offenders.

In that immortal poem, the Bhagavad Ghita, the song celestial, Prince Arjuna asks of the Supreme Being:

> Yet tell me, Teacher; by what force doth man
> Go to his ill, not freely, as if one
> Pushed him that evil path?

Krishna answers:

> Kama it is!
> Passion it is! born of the Darkness,
> Which pusheth him. Mighty of appetite,
> Sinful and strong is this! — man's enemy.
>
> The wise fall, caught in it; the unresting foe
> It is of wisdom, wearing countless forms,
> Fair but deceitful, subtle as a flame.
> Sense, mind, and reason — these, O Kunti's son!
> Are booty for it.

In some cases, it may be simply a matter of expediency whether a wrong-doer is labeled responsible or irresponsible.

To the careful student of Prichard's moral insanity and of Ray's moral mania, many, at least, of their

cases are clearly simple mania, in which the moral perversion is only an incident or symptom. But Miss Toppan could hardly be properly so classified on account of the absence of motor activity and unusual intellectual stimulation, which, if they had existed, could hardly have failed of observation among so many intelligent people who had known her so long and so well; and there was in her no change of character or conduct to mark a pathological condition, unless possibly from bad to worse; and that might have been explained by origin, early training, and early association, history, motives, and successful methods as a pure criminal.

Was there, nevertheless, anything like the demoralization from such a moderate use of opiates as not to be noticeable to the experts, or the mental instability which sometimes attends the approach of the menopause, or anything in the nature of disease or pathological defect which made her evil impulses more imperative, which rendered her power of resistance to wicked suggestions less effective, which intensified her preference of wrong to right, or which in some degree distorted her sense of proportion and her ability to discriminate nicely between evil and good, so far as to impair effectively her control and judgment?

Was there anything of that nature which was not adequately explained by the progress and success of

pure criminal depravity? And if there was any pathological element in Miss Toppan's crimes was it sufficient to amount to either medical or legal insanity or limitation of responsiblity?

Therein, if anywhere, lies the question as to any possible degree of irresponsibility; and I do not see any way of answering it except in saying that the same doubt may exist with regard to every one of the vast majority of confirmed criminals.

The convict who was asked by Lombroso whether he should return to a life of crime after his sentence had expired answered that Lombroso might have his brain examined after he was dead. Lombroso's convict and Honora Kelly (Jane Toppan) found in crime the fun and excitement which they could not get out of anything else, and that was the way they liked best of making their money and of gratifying their passions. so that they kept on taking their chances

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